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LOOKING FOR WORK

Old College Tie May Not Suffice In Job Market

By David C. Walters

Staff writer of The Christian Science Monitor

BOSTON

FOR many college seniors this spring, graduation is not the long-awaited jump from academia to the workplace, it is the moment to start looking for a job full time.

"A lot of people think a degree will get them a job," says Craig Fairfield, who graduated from Yale University last week with a job offer in hand. "Maybe in 1950, but not anymore. It might get you the interview, but you still have to prove yourself."

Instead of heading straight for a career-track position, many of this year's graduates are heading home to start a job search that promises to be grueling.

"The graduating class of 1993 is facing a tougher labor market than those who graduated in the middle of the recession in 1991," says Ken Goldstein, an economist with the Conference Board in New York.

Some new employment statistics are encouraging. On Friday, the Labor Department reported that the national unemployment rate dropped to 6.9 percent from 7 percent last month. But that report followed an announcement Thursday of a slight increase in first-time claims for unemployment benefits.

A tough job market is no surprise to the Class of '93, says Richard Fein, director of placement at the University of Massachusetts, Amherst. "This is the fourth year of recession," Mr. Fein says. "These folks came into college when the recession had already begun. Their level of expectation was more realistic – they knew it was going to be difficult."

Yet the new administration in Washington raised hopes of an economic revival. "We felt that things were going to pick up – but we are still waiting," says Tarique Shakoor,

See **GRADUATES** *page 20*

Church Books Balanced

The treasurer of the Christian Science Church, on the eve of its annual meeting, says finances have stabilized.

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Clinton Faces a Restless Congress

With loss of a Texas Senate seat, president must counter new antitax momentum

By John Dillin

Staff writer of The Christian Science Monitor

WASHINGTON

PRESIDENT Clinton needs to win a few – quickly.

More bad news, this time from Texas, landed on Mr. Clinton's desk with a loud thump over the weekend. Texas state treasurer Kay Bailey Hutchison, an antitax Republican, crushed appointed Democratic Sen. Bob Krueger by better than a 2-to-1 margin in a special election. She explained: "People are tired of taxes." **(Texas election, Page 4.)**

Ms. Hutchison's victory trims the Democratic majority in the United States Senate to 56-44, and it could greatly complicate Clinton's problems on Capitol Hill. Hutchison says Texas voters "want someone to get serious about cutting government spending," and vows, "that's exactly what I intend to do."

The Texas drubbing comes just as Clinton was trying to recover from a painful public-relations disaster involving law professor Lani Guinier. Stung by Senate critics, the president was forced to drop her nomination to head the Justice Department's civil rights division. **(How nomination was scuttled, Page 4.)**

Many of Clinton's liberal supporters, including the 40-member Congressional Black Caucus, were furious with the president's Guinier decision and vowed political retaliation. The White House, which had failed to screen her controversial writings, again looked inept.

Political bumbling and bad press are taking a serious toll at 1600 Pennsylvania Avenue. And the timing couldn't be worse. Congress returns today from its Memorial Day recess for what could be the most critical two or three months of the Clinton presidency.

In Texas, state Democratic Party chairman Bob Slagle complained that trying to get Mr. Krueger reelected with all of Clinton's problems was "a lot like trying to swim with a battleship anchor strapped to your back."

Most at risk is Clinton's $1.5 trillion budget. He now must balance a more conservative Senate, demanding fewer tax increases, with a more liberal House, trying to protect federal spending programs.

It won't be easy. Voters are grumbling. Congress, eyeing the Texas vote, is restless. Clinton's personal popularity is being pummeled by $200

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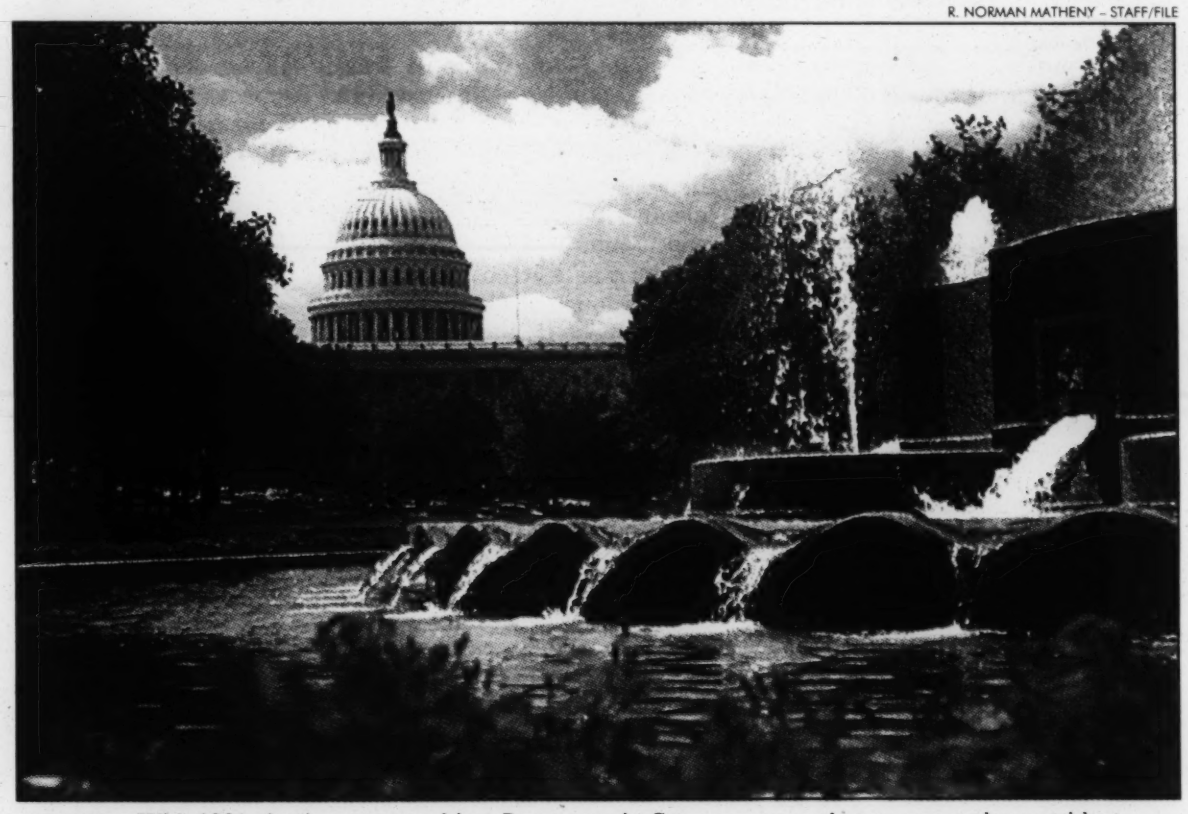
R. NORMAN MATHENY – STAFF/FILE



US CAPITOL: *With 1994 elections approaching, Democrats in Congress worry that an unpopular president could mean heavy losses. But some critics say that Clinton's efforts to bring big changes could still pay off.*

Resolve Is Key to Success Of UN Safe Areas in Bosnia

By Lucia Mouat

Staff writer of The Christian Science Monitor

UNITED NATIONS, N.Y.

WILL the latest United Nations Security Council move to protect six Muslim towns in Bosnia-Herzegovina create Muslim ghettos and effectively validate Bosnian Serb gains on the ground, as critics argue? Or could the effort become a step on the road to a fair peace settlement?

The answer depends on specific decisions about logistics that still lie ahead – and on the Council's determination.

"If there is a real willingness ... to demand access to these areas, protect them, and over time expand them, this could be the stepping stone to something quite significant," says Edward Luck, president of the United Nations Association of the USA. "However, if the Council is unwilling to protect [the areas] ... it loses credibility. I'm worried that this may be another hollow declaration."

Lord David Owen, co-author of the Vance-Owen peace plan for Bosnia, says the UN cannot deliver on many of its "fine-sounding sentiments" unless it is given more and better resources.

See **BOSNIA** *page 14*

COVER STORY

MARIANNE LE PELLEY – STAFF

The Battle About Diversity At the Harvard Law School

Controversy rages over demands to add more women and minorities to a predominantly white male faculty. Some call it 'Beirut on the Charles.'

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Kuwait Tries Iraqis Charged in April Plot To Assassinate Bush

By Stephen Hubbell
Special to The Christian Science Monitor

KUWAIT CITY

AGAUNT Wali Abdelhadi al-Ghazali, a male nurse and an accused agent of the Iraqi intelligence service, stood meekly before a Kuwaiti judge and admitted that he helped plan an attempt to assassinate George Bush during the former president's visit to the emirate in April.

Trial proceedings against Mr. Ghazali and 13 other men, most of them Iraqi, began Saturday at a heavily guarded State Security Court building on the outskirts of the Kuwaiti capital.

Twelve of the defendants, including Ghazali and fellow Iraqi Raad al-Assadi, the suspected ringleaders of the plot, face the death penalty if convicted on charges that they conspired to kill Mr. Bush and carry out terrorist bombings in Kuwait on behalf of agents loyal to the regime of Iraqi President Saddam Hussein.

The trial is being followed closely by the Clinton administration, which has promised to punish Iraq if the defendants are found guilty of acting on orders from Baghdad.

Sheikh Jabir al-Ahmad al-Sabah, Kuwait's emir, invited Bush to visit the Gulf state as a gesture of thanks for his role in liberating Kuwait. Iraqi forces invaded the emirate on Aug. 2, 1990, and were forced to withdraw six months later following a punishing air and land assault led by the US. Bush's visit to Kuwait, from April 14 to 16, went off without incident.

Speaking before a hushed courtroom Saturday, Ghazali and Mr. Assadi described how they were recruited by men they believed to be Iraqi intelligence agents and instructed to drive a Toyota packed with explosives from Iraq to Kuwait City, where it was to be detonated as Bush visited Kuwait University April 15.

Both men pleaded guilty to the charges, but each painted a very different picture of his involvement in the alleged assassination plot. And a defense lawyer argued that the confessions were inadmissible because they were made without the benefit of legal counsel. All but one of the lawyers met their clients for the first time Saturday morning. The trial judge, Salah al-Fahad, rejected a motion for dismissal of the charges.

Assadi, a cafe-owner from Basra, Iraq, who dabbles in bootlegging and gunrunning across the Iraq-Kuwait frontier, implicated Ghazali as the ringleader of the operation and insisted that he was unaware of the ultimate target. During cross-examination by the trial judge, Assadi portrayed himself as a small-time smuggler caught up in a complex plot he failed to comprehend. He said he joined the plot after being offered several cases of whiskey and an amount of money by the presumed Iraqi agents.

"My entire mission was to sell the whiskey in Kuwait and then return to Iraq," Assadi told the court. "I did not care about what they were up to. I just came for the [smuggling] mission."

"I was forced into this operation," he said. "Our regime does not permit us to object."

In contrast to Assadi's self-depiction as a petty criminal, Ghazali came across as a loyalist of Iraq's ruling Baath Party. He said he was approached by an Iraqi intelligence agent in Najaf, Iraq, a week before the Bush visit and ordered to drive a van packed with explosives into Kuwait. "He said, 'We have assigned you to the assassination of George Bush,' " Ghazali recalled. The agent, he said, showed him how to detonate the Toyota and gave him a belt packed with explosives that was to be used if the car bomb failed. Ghazali said he had been trained by Iraqi intelligence in basic bombmaking and assisted in the Bush plot because he "didn't have time to fight the allies" during the Gulf war.

Defense lawyers argued Saturday that the enormous political importance of the case for the Kuwaiti regime led prosecutors to rush it to trial, in violation of common legal procedure.

"This is the first time I've had no opportunity to speak to my client," said Najib al-Wagayan, an attorney for two of the suspects, who blamed "pressure from the US Embassy and the American government" for the apparent haste. A United States Embassy official observing the trial referred all questions to the State Department in Washington. The case has been adjourned until June 26 and is likely to last for several months.

INTERNATIONAL

A human rights ombudsman who was an ardent critic of government abuses has been elected president by the nation's Congress

Guatemala Finds Its Way Back to Democratic Rule

By David Clark Scott
Staff writer of The Christian Science Monitor

MEXICO CITY

IN the space of less than two weeks, Guatemala has careened from a fledgling democracy to dictatorship and seen an aborted grab for power by an ambitious vice president with military backing. But now the Central American nation appears back on a constitutional track.

Late Saturday night, fire crackers were lit in the capital city as Guatemalans celebrated a return to democratic rule. Guatemala's human rights ombudsman, Ramiro de Leon Carpio, was elected by congressional ballot to fulfill the term of ousted President Jorge Serrano Elías.

"We have suffered a grave national crisis, but this country can move forward," Mr. de Leon told reporters after his election. "I intend to govern in consultation with all sectors of the society."

Local polls show De Leon, a lawyer, is a popular choice. As the congressionally appointed human rights ombudsman since 1988, De Leon has been a champion of Guatemalan Indians and other groups seeking redress from persecution.

Guatemala is suffering from a 32-year-old civil war and one of the worst human rights records in the hemisphere.

Despite death threats, De Leon has been an ardent critic of rights abuses by Guatemalan security forces. Before President Serrano was deposed, the 51-year-old ombudsman did not hesitate to take legal action against Serrano's policies for perceived violations of human rights.

"De Leon is a populist and he'll run a populist government," says Guatemalan political scientist Armando de la Torre. "He used the human rights post as a trampoline to further his political career."

Indeed, De Leon made no secret of his presidential ambitions. When Serrano seized near-dictatorial control in the early morning hours of May 25, he correctly judged that De Leon would be a threat. Serrano attempted to put De Leon under house arrest. But the former ombudsman escaped and played a leading role in rallying opposition to Serrano's coup.

When Serrano was deposed on June 1, Vice President Gustavo Espina Salguero attempted to claim the presidential mantle. But Guatemalan lawmakers refused to approve him. The Constitutional Court ruled on Friday that Mr. Espina was ineligible because he supported Serrano's illegal coup. The court gave the Guatemalan Congress 24 hours to elect a new president.

In the first round of congressional voting Saturday night, De Leon received 64 votes. His rival, Arturo Herbruger Asturias, got 51 votes. But Mr. Herbruger, the highly respected 81-year-old president of the Supreme Electoral Tribunal, withdrew his name and threw his support behind De Leon.

A key to De Leon's congressional victory was the backing of the conservative National Advancement Party (PAN). "The PAN thinks its chances are better in the 1995 presidential elections if Ramiro de Leon Carpio isn't in the race," Mr. De la Torre says. Under current law, De la Torre says, De Leon won't be able to run again for president after fulfilling the last two-and-a-half years of Serrano's term.

Although the question of who will be president of Guatemala now appears settled, there are many more doubts hanging over this nation of 10 million people.

For example, will the Congress now be purged of corrupt members as has been broadly demanded? How will De Leon be received by the still powerful military? Will the new president attempt to reform the institution he so aggressively criticized as ombudsman? Will the security forces cooperate? What implications might this relationship have for the stalled peace talks with leftist insurgents?

What will happen to Serrano? The ousted president fled to El Salvador on Wednesday. He has been offered asylum by the president of Honduras. It is rumored he may fly to Texas to visit his mother.

But a Guatemalan judge has ordered the foreign ministry to begin extradition proceedings to bring Serrano back to stand trial on charges of usurping the Constitution.

LUIS GALDAMEZ/REUTERS

GUATEMALA CITY: *Crowds waited outside National Palace June 1. Guatemalans are celebrating choice of Ramiro de Leon Carpio to fill term of ousted President Serrano.*

Yeltsin Harks Back to Czars In Bid to Recast Government

Road to new constitution would bypass parliament

By Daniel Sneider
Staff writer of The Christian Science Monitor

MOSCOW

RUSSIAN President Boris Yeltsin opened his Constitutional Assembly with a revolutionary call to sweep away the remnants of the Communist-era political system, including the local and national soviets (councils), which remain the country's legislatures.

"The Soviet model of power cannot be reformed," Mr. Yeltsin said Saturday in an opening speech in the Kremlin hall where the Soviet Communist Party Central Committee once held secretive meetings. "The soviets and democracy are incompatible."

Yeltsin sought a basis for his own authority in the pre-Bolshevik era, evoking the precedents of Czars Peter the Great and Alexander II, as well as the republican revolution of February 1917. The former Communist Party Politburo member dismissed the Bolsheviks' October 1917 revolution and what followed as a usurpation of that "republican" tradition.

"Russia has never had authority that was bound by law," Yeltsin said. "On the contrary, everything stemming from the authorities was automatically declared to be law. It was only needed to sanction the party and state dictatorship."

The challenge to the legitimacy of the national parliament and its local counterparts took a more direct form when Yeltsin barred parliament chairman Ruslan Khasbulatov from taking the podium to pronounce his own view of constitutional order. Drowned out by shouts and rhythmic clapping after he tried to speak anyway, Mr. Khasbulatov stalked angrily from the hall, along with about 50 supporters.

"We are on the road to dictatorship," Khasbulatov later told reporters.

"What we have seen is how a court crowns a king," said Constitutional Court chairman Valery Zorkin. "Shall we build a democratic state in this way?"

Khasbulatov got partial backing from the heads of 16 of the 23 ethnic republics that are part of the Russian Federation. The ethnic leaders warned both sides against "hasty actions" and offered to broker peace between them. The republics, along with the Russian-populated regional governments, have emerged as the key power brokers in Yeltsin's effort to push through his new draft constitution.

Yeltsin appears confident that he will gain approval for the draft document from the 762 delegates representing federal and local governments and legislatures.

Controversy is expected to focus on two key issues – what some consider to be the overly extensive powers granted the president and the proposed division of authority between the central government and the 88 regions and ethnic republics in the Russian Federation. Concessions on both these fronts were indicated in Yeltsin's opening statement, as well as the following speech by Sergei Alexeyev, the principal author of the draft.

Mr. Alexeyev acknowledged the need to amend the articles on presidential power to ease concerns, particularly regarding the relatively unchecked right of the president, in the current draft, to dissolve the parliament. Yeltsin claimed the draft constitution provides for sufficient balance of power between the executive, legislative, and judicial branches. The president is limited by the right of the parliament to impeach him and by the Constitutional Court's ability to reverse his decisions.

The president also was at pains to pay heed to the division of authority within the federal structure, arguing that the balance of power is assured by the fact that neither president nor parliament can interfere in the rights of republics and regions.

'What we have seen [at Russia's Constitutional Assembly] is how a court crowns a king. Shall we build a democratic state in this way?'

– Constitutional Court chairman and Yeltsin critic Valery Zorkin

Yeltsin also has to be careful not to alienate the powerful heads of the Russian-majority regions, who for their part have been critical of too much power going to the ethnic republics, fearing this could lead to a breakup of Russia. Yeltsin told the assembly that the right to national self-determination is "not absolute" and is limited by the right of the entire Russian society to preserve a single state.

Support from the republics and regions is key to Yeltsin's strategy for putting the constitution, once approved, into effect. Under the existing Soviet-era Constitution, only the Congress of People's Deputies, a higher legislature, can do this. The Constitutional Assembly called by Yeltsin is supposedly only a consultative body, leaving approval of the draft to some other forum.

Yeltsin left little doubt that he was prepared to bypass the Congress, calling the assembly a "fully legitimate forum" whose decision could not be altered. The authority of the final draft would be strengthened by having the regions and republics sign it.

If the Congress and the standing parliament drawn from its ranks do not yield, Yeltsin's plan is to push through a new parliamentary election by October. An election law, reflecting the two-chamber parliament called for in the president's draft constitution, is being prepared.

Mr. Khasbulatov and his supporters will try to assert their views through the existing institutions. One possibility, which Khasbulatov outlined to reporters, is to submit to Congress an alternative draft constitution prepared by the parliament's constitutional commission.

TURKISH ANGER RISES

Increasing Tensions in Germany Make Bridge-Building Difficult

By Francine S. Kiefer
Staff writer of The Christian Science Monitor

BONN

'LET'S be friends," urged a banner at a June 5 demonstration in Solingen, the city where five Turks died in a May 29 arson attack allegedly carried out by four young Germans.

But while this plea is sincere, it appears to be wishful thinking.

German officials now worry that further arson attacks on Turks this past weekend will lead to an escalation in violence as extremist Turkish groups seek revenge against German skinheads and neo-Nazis. Turkish workers in Germany are calling for a strike; the week ahead could be a another tense one.

On Saturday, tens of thousands of Germans and Turks took part in nationwide protests against xenophobia, but the marches were marred by outbursts of violence.

In Solingen, police brought the demonstration of over 10,000 people to a quick end when extremist Turks began fighting among themselves and the protest turned into a stone- and bottle-throwing melee.

Many Germans were shaken to learn of more arson attacks on Turks over the weekend. In the southern German town of Konstanz, a Turkish restaurant was burned to the ground in the morning of June 5. The night before, in Hattingen – just 19 miles from Solingen in west Germany's industrial Ruhr Valley – a Turkish woman and her five children were able to escape an arsonist's blaze when the three-year-old awoke and smelled smoke.

The woman, Yasar Unver, told police she saw a young blond man fleeing the scene. The burned-out house is no longer inhabitable.

Johannes Rau, premier of the state of North Rhine Westphalia, where Solingen and Hattingen are located, is concerned that the Hattingen incident is a precursor of more violence to come. "In view of this attack," he said, "I'm worried about the future."

Turkish revenge

His concern is shared by Eckart Werthebach, president of the Federal Office for the Protection of the Constitution, Germany's domestic intelligence agency. Mr. Werthebach said Saturday he fears Turkish extremists will hit back at Germans out of revenge, causing violence to spiral.

"We are not like the Jews," is a phrase increasingly used by Turks, implying that they will fight persecution, in contrast to the passive response attributed to Jews facing Nazi genocide.

Meanwhile, the sequence of events leading up to the Solingen murders, in which two women and three children died, is unfolding. According to Alexander von Stahl, the German federal prosecutor, three German young men, aged 16, 20, and 23, got into a fight with two foreigners – whom they mistakenly took for Turks – at a Solingen bar-restaurant on the evening of May 29.

The three were thrown out and told their tale to Christian Riher, aged 16, an acquaintance they later ran into on the street. Mr. Riher, who allegedly said he planned to beat up some foreigners that night anyway, reportedly suggested setting the house of a Turkish family on his street afire.

The four then went to the house of Durmus Genc, and the two 16-year-olds allegedly started the fire in the upper staircase with newspapers and gasoline while the two older suspects stood guard.

So far, there is no sign of an "organized" right-extremist background to the case, said Mr. von Stahl. But alcohol, frustration, and *Ausländerhass* (hatred of foreigners) all played a role, German officials said.

Before it became clear last week that several people were involved in the Solingen murders, German government officials, including Chancellor Helmut Kohl, portrayed the killings as an isolated act committed by a single sociopath. Privately, some lawmakers sought to play down the murders, saying hate crimes were not unique to Germany.

Rightists held responsible

But German President Richard von Weizsäcker, in a self-critical speech at the funeral for the Turks last Thursday, maintained that the fatal arson attacks on Turks in Mölln last fall and in Solingen "are not unrelated, isolated atrocities." He said they "spring from a climate generated by the extreme right. Even criminals acting alone do not emerge from nothing."

This indeed appears to be the case in Solingen. Even if not "organized," the suspects are apparently well-acquainted with the right-extremist scene there. German press reports have linked one of the suspects to the rightest party DVU (the German People's Union), and one to a group of local neo-Nazis.

The Washington Post reported last week that Riher trained at a martial arts school that is a meeting point for local neo-Nazis. He apparently has a history of assaults, arson, and break-ins but, like the other three suspects, has no police record.

German politicians seem at a loss as to how to stop the hate crimes.

Chancellor Kohl has called for a special committee representing parents, teachers, social workers, churches, unions, and scientists to come up with ideas and present a report before the parliament recesses for the summer.

Although millions of Germans protested xenophobia in candlelit marches last fall, their message has not penetrated the public conscience completely. Crimes against foreigners so far this year are up more than 50 percent compared to the same period last year, although they are down considerably from last September.

Lopsided GOP Texas Win Sends Message to Clinton

THE stomping noise that jolted the White House early yesterday morning was the Republican victory in Texas's special election for the United States Senate.

Kay Bailey Hutchison was widely expected to defeat interim Sen. Bob Krueger (D) for Treasury Secretary Lloyd Bentsen's seat. But her margin of victory was a stunning, unforeseen 34 percent. Polls before the election had her ahead by up to 20 points.

Here's where the chips may now fall:

■ President Clinton will have a much harder time breaking a Republican filibuster in the Senate. When she takes her seat, Democrats will number 56, but will need 60 votes to bring a bill to a vote. Ms. Hutchison already predicts the defeat of Mr. Clinton's $71 billion energy tax.

■ The Senate will have a record seven female members, including five Democrats and two Republicans.

■ Texas will have two Republicen senators for the first time since 1875. But that does not mean the state has "gone Republican" or is signaling dissatisfaction with Clinton, as the GOP claims. Robert Stein, a Rice University political scientist, says the state remains competitive.

FROM THE STATES

He also denies that there is any connection between the Democrats' election loss and Clinton or national issues, arguing instead that much of Mr. Krueger's problem owed to the fact that he was a weak candidate who ran a poor campaign.

■ Hutchison will have to fight hard in 1994 to keep her job, Dr. Stein predicts. By then, Clinton could have gotten his administration on track and recovered his popularity with the American public.

■ The Space Station, the Superconducting Super Collider, and several Texas military bases might be more likely to be cut by Clinton, now that Texas has no Democrats in the Senate to get the president's ear, Stein says. However, Robin Marra, a Southern Methodist University political scientist, does not think Clinton will cut the programs because Mr. Bentsen, Gov. Ann Richards (D), and Housing Secretary Henry Cisneros, also from the state, matter to him.

■ Ms. Richards could mount a tough campaign in 1994 if she gets the state past thorny issues like school finance reform and criminal justice. That may be one reason why she appointed Krueger in January to take on Hutchison in the special election, rather than taking that chance herself while her record invited attack.

Richards should also do well if she runs for the governor's office again in 1994 because of what Stein calls her "rock star" aura. It's hard for Texans not to like a governor who recently vetoed a gun-lobby bill with these words: "They kept putting lipstick on it, and they kept hanging earrings on it, but it is still a pig."

– Scott Pendleton

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NATIONAL

Failure to Combat Labels Sunk Justice Nominee

By Linda Feldmann
Staff writer of The Christian Science Monitor

WASHINGTON

THE day after President Clinton withdrew Lani Guinier's nomination to be the nation's top civil rights enforcer, conservative lawyer Clint Bolick could not have been more pleased to talk all about it.

For it was Mr. Bolick who fired the first salvo – a column in the Wall Street Journal titled "Clinton's Quota Queens" – after Ms. Guinier's nomination was announced April 29.

Guinier, the column stated, "sets the standard for innovative radicalism" in her views on civil rights. She "calls for racial quotas in judicial appointments" and "demands equal legislative outcomes, requiring abandonment not only of the 'one person, one vote' principle, but majority rule itself," Bolick wrote.

The White House said nothing.

On the eve of Mr. Clinton's June 3 announcement that Guinier was no longer his choice, Guinier gave her first public defense: an ABC-TV "Nightline" appearance. She stated unequivocally that she does not believe in any quotas and does not have "any quarrel with majority rule."

But it was too late. Clinton was already set to pull the plug. Furthermore, it was not supposed to be Guinier's job to defend herself. The White House had asked her, as is customary with executive-branch nominations, not to give interviews before her confirmation hearing.

In the post-mortems on the Guinier flap, finger-pointing is rampant: The White House counsel's office is being blamed for not seeing that Guinier's provocative writings could cause political problems. The communications office is being blamed for not countering the conservative campaign against Guinier. And the president is being blamed for getting caught in a lose-lose situation in which he either denies his friend the opportunity to explain herself in Senate hearings, or goes ahead with hearings he fears could heighten racial polarization and wind up in defeat anyway.

But the fatal error, Guinier's supporters say, was the White House's failure to counter the "quota queen" epithet, which worked its way into other media and into the *Zeitgeist*. In Newsweek's May 24 issue, an article on the Guinier nomination was titled "Crowning a 'Quota Queen'?" Just as 1987 Supreme Court nominee Robert Bork never recovered from early definition by his opponents, neither did Guinier.

"After the original attack on Lani, the White House should have responded forcefully and put Bolick on the defensive," says Jim Coleman, a law professor at Duke University and friend of Guinier. "The label 'quota queen' was sexist and racist."

STEVE JAFFE/REUTERS

LANI GUINIER: *Speaking after President Clinton withdrew her as a top Justice Department nominee, Ms. Guinier said she could have won Senate approval if she had been allowed to defend her controversial views.*

Just as Bolick was preparing his opposition to Guinier weeks before her actual nomination, so too was Dr. Coleman working on her behalf.

"I got involved when White House staff started raising questions about her," he says. "My sense was that some in the White House opposed her." So he called Guinier and told her that questions were being raised about her articles, and they decided to give the White House references – respected moderates and conservatives, including two federal judges – who would say that Guinier's writings represented "mainstream, excellent scholarship." Coleman does not know if the White House ever followed up on those suggestions.

Meanwhile, Bolick and another conservative legal activist, Tom Jipping, were poring through Guinier's writings and preparing their own analysis. Bolick delivered his column to the Wall Street Journal the morning of the day Guinier was nominated. Days later, he sent out packets containing copies of four Guinier law-review pieces, highlighting passages Bolick found damning, his "quota queen" column, and a critical column from the Legal Times newspaper. These went to members of the Senate Judiciary Committee and the media.

Mr. Jipping, head of the Judicial Selection Monitoring Project of the Free Congress Foundation, wrote his own 23-page analysis of Guinier's work and sent it to all United States senators and the media. His group also distributed "talking points" on the nomination to dozens of other conservative groups.

With the all-important Senate Judiciary Committee, whose endorsement Guinier needed, the White House appeared to do little to counter the conservative arguments or grease the skids for the nominee.

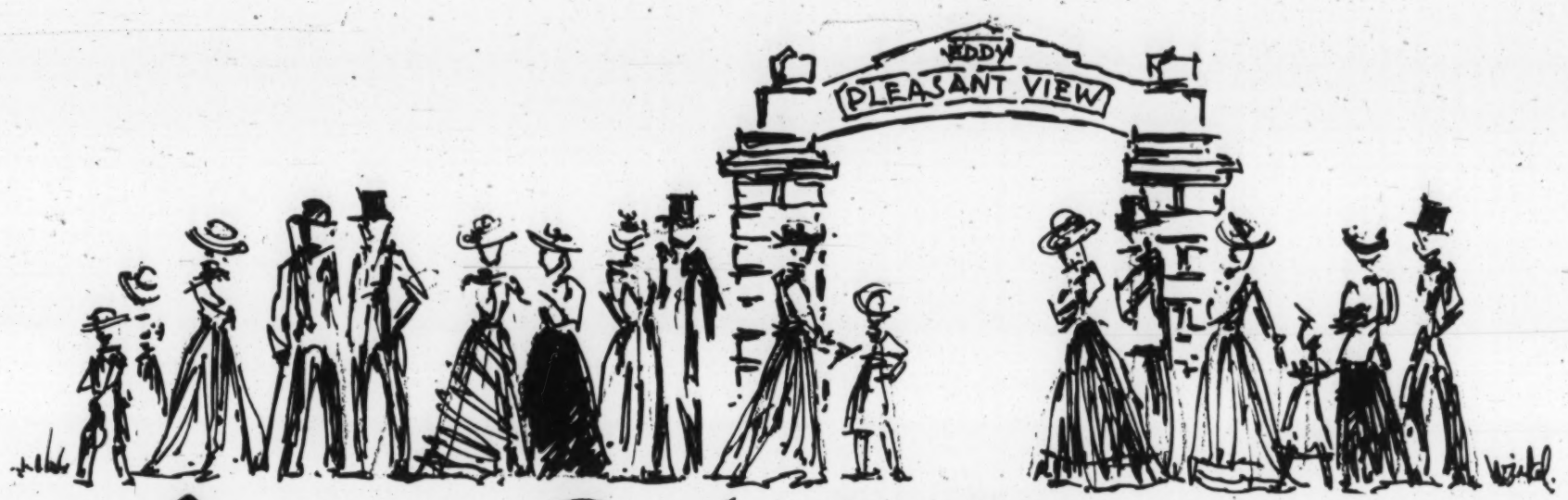
Another element in the sinking of Guinier was early questioning by several Jewish groups, which are sensitive about race-consciousness in politics.

They did not oppose her outright (though some Jewish publications did) but rather raised concerns about her writings and requested a meeting with her, which never took place.

"We got conflicting messages from her handlers," says Mark Pelavin of the American Jewish Congress. "Some saw no particular urgency. Others thought there was nothing to be gained from a meeting."

The real turning point for Guinier came two weeks ago, when key members of the Senate Judiciary Committee, such as chairman Joseph Biden (D) of Delaware and Patrick Leahy (D) of Vermont, began voicing reservations about Guinier.

"Joe Biden has good political antennae; remember, he told Clinton that Zoë Baird, Clinton's first choice for attorney general, would have trouble before the committee," says a top aide to a Judiciary Committee Republican. "If Biden raises his eyebrows over someone, he's probably got 20 senators behind him."



A new Exhibit at Longyear

Tour the Longyear Museum and new exhibit on

"Mary Baker Eddy: The Concord Years 1889–1908"

Longyear Museum is a non-profit foundation established by Mary Beecher Longyear and incorporated in 1934. Its purpose is the preservation and presentation of historical records pertaining to the life of Mary Baker Eddy and her early students.

The new exhibit, encompassing two galleries, explores that segment of Mrs. Eddy's life in which she emerged into international prominence — as author, healer, religious leader, church founder.

For information on tours, membership and directions call 617-277-8943

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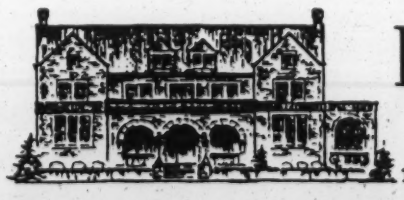

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Selling Tart Cherries To Japan Becomes A Piece of Pie

The fruit growers have popular TV show 'Twin Peaks' to thank for their success

By Leslie Albrecht Popiel
Special to The Christian Science Monitor

BOSTON

SEVERAL years ago, Japanese consumers thought tart cherries were – well, the pits. In 1993, however, cherry growers expect to export 6 million pounds of the fruit to Japan, largely as a result of the television show "Twin Peaks."

After changes in European Community regulations, cherry growers had to look for other markets for their fruit, says Gary Davis, export marketing director at the Cherry Marketing Institute (CMI) in Okemos, Mich.

Farmers of the sour, bright red fruit became eligible for assistance under the USDA's Targeted Export Assistance Program in 1989, and tart cherries began to be shipped to Taiwan, Korea, and Japan.

The initial reaction of Japanese consumers was not encouraging, however: "They thought they were very sour," Mr. Davis says. Finally in 1992, after several years of intense marketing efforts – and a lucky break – tart cherry sales took off.

As cherry growers worked to promote their product, reruns of ABC's "Twin Peaks" were becoming immensely popular in Japan. And, thanks to the show's cherry pie-loving FBI agent Dale Cooper, tart cherries were suddenly in vogue. In nearly every episode, Cooper sits down to a piece of cherry pie at his favorite diner and comments, "That's fine cherry pie!" Japanese fans of "Twin Peaks" are "...like Trekkies," Davis says.

Prior to 1990, 8 percent of cherry exports were headed for Japan, estimates the CMI, which represents growers from Michigan, Utah, and Wisconsin (Michigan accounts for 75 percent of cherry production). By 1992, this number had jumped to 25 percent – representing a change in volume of millions of pounds of tart cherries.

Futile marketing efforts turned into nearly instant success when a large Japanese bakery used the "Twin Peaks" logo, Davis says. "They were able to put [cherry] pie in 20,000 stores in two months," he says.

Now cherry pie filling and dried cherries are being packaged for Japanese consumers, and cooking clubs are baking their own pies. The Japanese have adapted recipes to their own taste, making smaller pies and using Japanese "chocolate," made from red beets. Japan is well known for its flowering cherry trees, but the majority do not produce fruit. Until recently, only sweet cherries were commonly available. Influential Japanese chefs have created new recipes, like Cherry Marzipan, more suited to the Japanese lifestyle. Now there are even flavored gum, beverages, and hard candy.

Richard Johnston, managing director of CMI, hopes American growers will export as much as 30 million pounds of cherries to Japan within the next 10 years. "We would like every citizen to consume one-fourth of a pound per year," he says.

Though cherry pie might be a fad begun by the "Twin Peaks" craze, Japanese consumers will continue to enjoy tart cherries, Mr. Johnston maintains. "They enjoy good food and variety."

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ECONOMY

Telephone Carriers Look Beyond Their Borders

Facing stiff competition, they seek alliances to create global networks

By Laurent Belsie
Staff writer of The Christian Science Monitor

PITTSBURGH

AFTER inventing the telephone, Alexander Graham Bell trekked around the world searching for venture capital. By the early 20th century, before antitrust challenges forced it to shed its international businesses, the company he founded had a factory in St. Petersburg, an office in Shanghai, and operations in Britain.

Like Bell, Randall Tobias, AT&T's No. 2 man, is roaming the globe in search of business. AT&T and other telephone carriers see the world telecommunications industry opening up as never before. To keep profits up, they need to look beyond their national borders.

"They all recognize that competition is coming to their market," says Gene Eidenberg, executive vice president of MCI Communications Corporation. "It can't be stopped. What they're trying to do is link up with people who are already competitive. [And] they're trying to buy time to get ready for it."

If the industry needed any convincing, MCI and British Telecommunications PLC (BT) provided the exclamation point last week. BT will pay $4.3 billion for a 20 percent stake in MCI – the nation's second-largest long-distance carrier. The deal gives MCI needed cash and creates a joint venture that will provide seamless international service.

Such service is sending tremors through the still largely monopolized telecommunications industry. If a United States corporation can set up telephone service for its foreign offices through MCI-BT, then local carriers will suddenly face competition. "It will force them to lower their prices and improve their service," says Joanne Smith, vice president and telecommunications analyst with Nomura Research Institute America.

On May 25, AT&T announced "WorldSource" – an alliance with phone companies in Japan and Singapore. Australia's Telstra, Canada's Unitel, and Korea Telecom also plan to join the alliance.

Last September, MCI signed an agreement with Stentor – the Canadian long-distance company owned by the provincial telephone companies. The $150 million deal allowed Stentor to license MCI software.

Other players around the world have also begun to partner: France Telecom with Deutsche Telekom in Germany and BCE Inc. in Canada with Mercury Communications Ltd. in Britain.

"That is probably going to happen worldwide," says Stephanie Comfort, vice president and telecommunications analyst for Morgan Stanley & Company Inc. "There'll probably end up being four or five global networks or alliances that dominate."

This globalization can be delayed – but probably not stopped, these analysts say. Telephone companies of the industrialized world have already saturated their home markets with phones. Unless they can come up with new services, revenue growth will be slow.

A pull for wider service is coming from big corporate customers. Already globalized, they want the convenience of dealing with a single phone company around the world – especially if that company can provide advanced services to make Tokyo as easy to reach as Tacoma. The competition should also bring down corporate rates.

The money is not just in service, it is in equipment too. In April, AT&T announced potentially its biggest equipment deal yet. The Hainan Posts and Telecommunications Bureau is spending some $12.4 million to install AT&T switching equipment. The deal is the first since the telecommunications giant and the Chinese government signed a memorandum of understanding to supply telecommunications equipment.

Telephone density – the number of lines per 100 population – is only about 1.67 in China. (In the US, it is about 50.) If the Chinese can move that density to just 2.67, it would mean more business than AT&T's current share of the US equipment market. China is ambitious: It aims to boost teledensity to about 20 by the end of the decade.

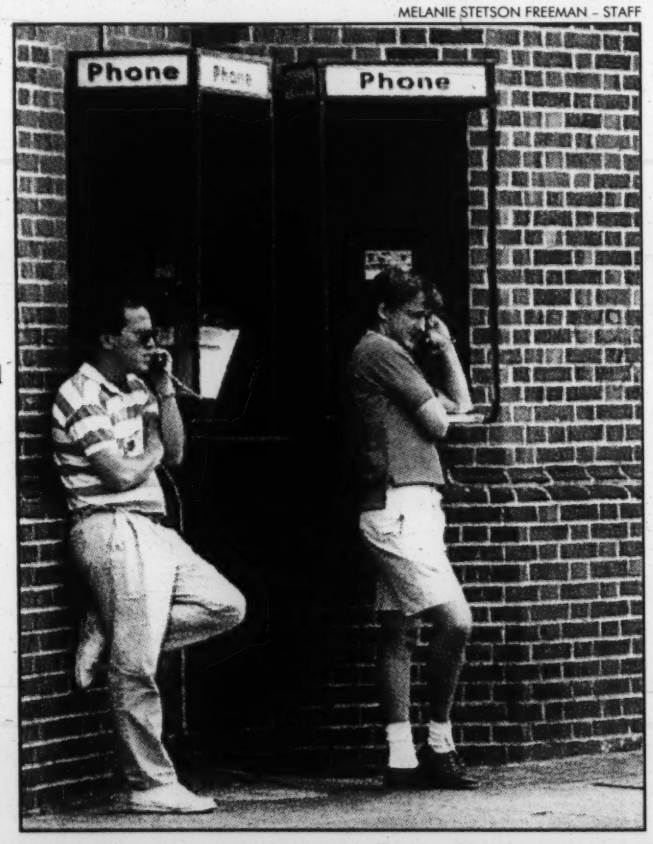
In 1983, foreign revenues made up only 8 percent of AT&T's business. Today, it accounts for about 25 percent. By the year 2000, AT&T plans to have half of its business coming from abroad. One-sixth of the company's employees already work abroad.

"We see growing our business outside the United States as the single most important growth imperative," Tobias says.

All these moves will make international telecommunications a complicated industry. Telephone companies in one country will be leasing lines from foreign competitors, heating up competition, even as they seek alliances to create global networks.

"In the international telecommunications market, the two concepts coexist: one is competition and the other is cooperation," says Takeo Miura, deputy director of the Washington office of Kokusai Denshin Denwa Company, Japan's largest international carrier. "One hand shakes hands with all other carriers. The other hand shakes hands very selectively."

MELANIE STETSON FREEMAN - STAFF



CHANGING TELECOMMUNICATIONS: *Two pedestrians stop to make a telephone call in Georgetown in Washington*

World Bank Loan Has Warning: S. Africa Must Narrow Racial Gap

By John Battersby
Staff writer of The Christian Science Monitor
JOHANNESBURG

THE World Bank, poised to grant a $1-billion development loan to South Africa's ailing economy, has warned that the prerequisite for long-term recovery will be the narrowing of economic inequalities between blacks and whites.

"Higher growth without redistribution cannot work in a future South Africa," the bank said in its May Economic Perspective on South Africa. "South Africa must set about reviving the private sector, increasing employment growth, and narrowing income and other inequalities between blacks and whites."

In recent weeks, South Africa has stepped up appeals for international loans and foreign investment as agreement on a multiracial administration gets closer.

Prospects for increased foreign investment were given a boost last week at the first meeting of the World Economic Forum to be held in South Africa. World Bank officials said the goal of the conference was to help reintegrate South Africa into the region and the global economy.

It also marked the first time that the 10-nation Southern African Development Coordination Conference, a grouping formed to rid neighboring countries of their dependence on South Africa under apartheid, was represented ministerially inside the country.

But negative growth of more than 2 percent, chronic black unemployment, and a lack of investor confidence fueled by political violence and instability provide a bleak backdrop for a multiracial transitional authority to begin tackling the development backlog of the apartheid era.

African National Congress President Nelson Mandela has indicated that the ANC will call for the lifting of all remaining trade and financial sanctions as soon as the proposed Transitional Executive Council is up and running. This could be as early as July.

Negotiators have targeted April 27 next year for the country's first democratic elections. These also will be the signal for the World Bank to approve funding of development projects.

South Africa is also looking to the summit of the G-7 industrialized nations in Tokyo in July for a substantial aid package. United States bilateral aid to South Africa runs at $80 million a year, the highest in sub-Saharan Africa.

NEAL J. MENSCHEL – STAFF/FILE

JOHANNESBURG: *Tackling the development backlog of the apartheid era, amid negative growth and lack of investor confidence, will be one of the first challenges of South Africa's new multiracial administration.*

In a speech in Washington May 21, US Secretary of State Warren Christopher vowed that the US would work with its G-7 partners to help South Africa re-enter the global market once a date was set for democratic elections and a transitional council was in place.

"We have urged the World Bank and the parties in South Africa to begin planning now the projects that will translate into economic growth," Mr. Christopher said.

The World Bank is likely to play a central role in financing development projects in housing, education, and infrastructure. The backlog in such projects for blacks, estimated to be tens of billions of dollars, is the most pressing problem that will face the transitional authority.

South Africans are divided over the price attached to loans advanced by the World Bank and the International Monetary Fund.

But the World Bank's restructuring formula has won more sympathy from the ANC and its allies than it has from the government, which has criticized it for being a "demand-driven strategy," that could feed inflation and fail to maximize growth.

In March, Finance Minister Derek Keys launched a supply-side economic restructuring program based on drastic cuts in government spending, high interest rates to keep inflation of around 13 percent on a downward spiral, and a negotiated wage freeze. The government hopes this package will stimulate private investment.

But the government has left the door open to negotiate what Mr. Keys calls the "human face" of its program – development and the eradication of poverty.

Despite the bleak picture, the World Bank sees hope. "Although the country is in a deep recession, rapid growth is possible in the early years of a new administration," the bank report said.

The bank also noted that South Africa had an unusually low debt-to-national output ratio and was not caught in the debt trap faced by some countries in Latin America and Eastern Europe.

New Stock Offerings Bustling in 1993

THE stock market's value has been shooting up in recent months, encouraging United States companies to race to the market in record numbers with debt and equity underwritings. Many of them involve new stocks (initial public offerings, or IPOs). This year is expected to be good for both underwriting in general, and new stock issues in particular.

"I was talking to officials of a small utility company just yesterday," says Perrin Long Jr., a First of Michigan Corporation official. "They were planning to go to the debt market [in a public stock underwriting] to raise some new money.... They had talked about waiting until later in the year; now, they feel they've got to raise the money as quickly as possible" because of their concern that both long- and short-term interest rates have hit the bottom and may be on the way back up.

This year companies have been scrambling to line up underwriting, propelled in part by low interest rates and cheaper underwriting costs. In terms of total return, low interest rates also make equities more desirable than alternative instruments like bank certificates of deposit and money market accounts.

For the three months ending March 31, IPO volume reached $11.5 billion, compared with a volume of $11.1 billion for the same period in 1992, according to Securities Data Company in Newark, N. J.

GUY HALVERSON

When all domestic underwriting activity is added up, including bonds, sales of stock by companies already established in the various markets, as well as IPOs, a record $262 billion was raised in the first quarter of 1993. That compares with the previous record of $222 billion raised in the first three months of 1992.

"The second quarter [ending June 30] also looks promising, in terms of the overall amount of money going into domestic financing [underwriting], as well as new public offerings," says Adrian Easterbrook, a spokesman for Securities Data Company. The torrid pace of debt financing is "basically on line with what happened during the first quarter, although it could be slightly lower," he says. Mr. Easterbrook predicts that total domestic financing could be around the $190-million to $200-million level in the second quarter.

Last year, more than $850 billion was raised in the total domestic underwriting market, up 44 percent from the $590 billion raised in 1991. IPO volume reached $39 billion, shattering the previous high of $27 billion set in 1986.

"A lot of cash is flowing into the stock market, and that leads to a demand for new stock issues," says Robert Natale, who covers new issues for Standard & Poor's Corporation. Last week, Allstate's new stock offering raised $2.1 billion, the largest IPO recorded for a US company.

"High levels of corporate underwritings and new IPOs traditionally accompany a rising bull market," says Hildegard Zagorski, a vice president with Prudential Securities Inc. The stock market showed some signs of retrenchment last week, but May was an especially robust month for equities.

The Nasdaq composite index led major indexes, jumping almost 6 percent in May; the Dow Jones industrial average rose almost 3 percent; and the Standard & Poor's 500 index rose 2.3 percent.

The Dow, meantime, continues to hover around its all-time high of 3,554.83 points, set on May 27.

"President Clinton is being forced to move back toward the political center," in terms of US economic policy, Ms. Zagorski says. The stock market is responding to that shift favorably, she adds.

In fact, Mr. Clinton's economic programs now may be far less important than initiatives taken by Federal Reserve Board Chairman Alan Greenspan, argues Mr. Long of First of Michigan.

"Forget the talk of a 'Clinton market'. The big concern is a 'Greenspan market,' " Long says. The Fed has sent signals that it would be prepared to nudge up interest rates if necessary to prevent a rise in inflation. What is unknown, Long adds, is how much higher the Fed would be willing to let rates go.

But even if interest rates edge up slightly, it should not be enough to significantly offset the current advantage of stocks over money market accounts and certificates of deposit, experts say. And that should bode well for additional corporate underwriting and IPOs in 1993.

NEW ENGLAND

As Christian Scientists gather for their church's annual meeting, officials say fiscal 1992-93 was a 'turnaround year.'

Church Officers Say Finances Are Stable

By David R. Francis
Staff writer of The Christian Science Monitor

BOSTON

THE First Church of Christ, Scientist in Boston has stabilized its financial situation, church officials say.

In a report to the church's annual meeting here today, Treasurer John Selover will call fiscal 1992-93 "a turnaround year."

A church financial crisis followed the expenditure of more than $300 million on various television activities over several years. Most of these were shut down in the spring of 1992. Since then, the church has taken additional drastic measures to balance its books.

Speaking during a joint Monitor interview with managing treasurer Donald Bowersock, Mr. Selover said the operating expenses of the church in the fiscal year that ended April 30 were as budgeted – $70 million. Income reached about $76 million, $6 million more than budgeted. This was primarily because income from restricted funds held by the church was more than that forecast in the budget, he said.

In addition, the continuing shutdown costs of the television operation (projected at $68.5 million and charged to the previous fiscal year, 1991-92) have been running about $5.8 million less than anticipated, Mr. Bowersock said. "Our financial position has been improving as the year has gone along," Selover said.

Line of credit

Nonetheless, the church has arranged what Selover calls "a fiscal safety net" – a $5 million line of credit from the Bank of Boston "to be available to us, during this year only, for swings in cash flow which change from month to month." Selover said the church will strive not to use the credit line.

Selover also said that contributions by church members, branch churches, associations of Christian Science students, and "friends" of the church are down about 8 percent in the first five months of this calendar year from last year at this time, but are about equal to those made in the same period in 1991.

This decline may reflect a general downtrend in giving experienced by other charitable organizations, Selover said. It may also result, to an extent "almost impossible to determine," from an effort by some critics of the five-person board of directors that governs the church "to dissuade members from giving or to divert contributions to other purposes."

Selover said he hoped the church's financial performance in the past year "will indicate a sense of stability, purpose," that will overcome any hesitancy among contributors to the church. He said that the church's finances are "not the big story," which he described as the efforts of the church to bring to the attention of the world the writings of Mary Baker Eddy, the church's founder.

One concern of critics of the board is its decision to publish a controversial book, "The Destiny of the Mother Church," by Bliss Knapp, as "authorized literature." The critics charge its publication violates the Manual of The Mother Church, or bylaws, and that the directors did so regardless to obtain the almost $100 million in bequests conditional upon its publication. Church officials deny both charges.

If the conditions of the wills of Knapp, his wife, and her sister are not met, the funds go to Stanford University and the Los Angeles County Museum of Art. Attorneys for the church and the two other institutions have been engaged in talks to settle a dispute over the bequests and are working with a mediating commissioner to help resolve the matter. A meeting with the commissioner is reportedly scheduled for Thursday, to be followed a week later by a hearing before the Los Angeles County Superior Court, which is hearing the dispute. A group of critics have indicated they will attempt to oppose a settlement in the court.

Because the dispute is still before the court, Selover said he could not comment on the case.

Fiscal 1993-94 budget

Other financial points made in the treasurer's report or by the two officials in the interview include:

■ Budget plans for the current fiscal year call for expenses of $64.8 million and revenues exceeding that amount by $2.4 million. That surplus is to be used to start rebuilding church assets.

The church has taken several measures to implement the new budget. In March, it announced that it would shut down its monthly news magazine, World Monitor, with the May issue. The magazine, which had a $3.2 million deficit in fiscal 1992-93, employed about 25 people. More recently, nine of some 90 employees of Monitor Radio and a number of other employees in the church administration and in the Christian Science Publishing Society were let go.

Total employment of the church and its publishing arm since the time when television operations were at a peak has been reduced by about 500 to just under 1,000.

■ The church is negotiating to sell its loss-making television station, WQTV, to Boston University. That school is currently completing an operational and financial analysis of the station.

In last year's audit report, the church auditor, Ernst & Young, forecast a capital loss of $6.2 million on sale of Channel 68. The proposed sale price has not been announced.

■ The value of the Christian Science Monitor Endowment Fund was $52.1 million at the end of the fiscal year, up from $48.3 million the year before. The approximately $3 million of income from this fund is used to offset the deficit of this newspaper, which in 1992-93 was about $10 million.

■ Restricted funds of the church (including the Monitor fund and several other funds) amounted to almost $111 million, up from $104 million the previous year.

■ Unrestricted funds (which include a pension reserve) were a negative $84 million, improved from a negative $114 million a year earlier. This minus number indicates financial commitments over many years to the pension reserve, anticipated TV and magazine shutdown expenses, and a $5 million borrowing from the Trustees under the Will of Mary Baker Eddy. The church has no external indebtedness except for $1.1 million in equipment leases.

■ The church had a net worth of $136.9 million at the end of April. This includes net financial assets (after commitments) and more than $100 million in the value of buildings. The sum is down from $138.5 million at the end of the previous fiscal year.

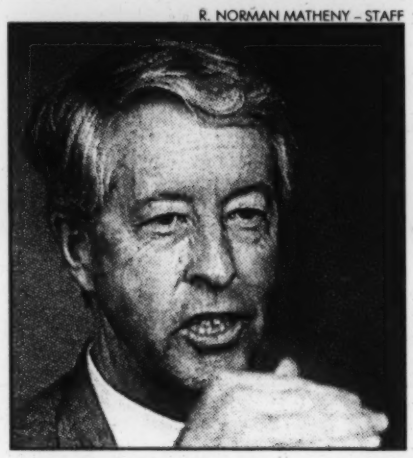
■ Cash and securities held by the church are valued at $136.7 million, down from $151.6 million a year earlier.

■ The pension reserve, a bookkeeping account in the general funds of the church and available for unrestricted use, earned $3 million more than needed to make pension payments. Its assets, including $23 million in income-earning buildings, an intrafund internal $42.5 million IOU, and $31 million in cash and securities, total $96.5 million; liabilities toward current and future pensioners were $81 million.

■ In round numbers, the church last fiscal year lost $23 million on the publishing, radio, and other activities of The Christian Science Publishing Society, including a deficit of $8.5 million for Monitor Radio. Church administration cost $32 million. Expenses of the church's shortwave broadcasting facilities and operations were $8 million. The church also had $3 million in capital costs and $860,000 in pension costs.

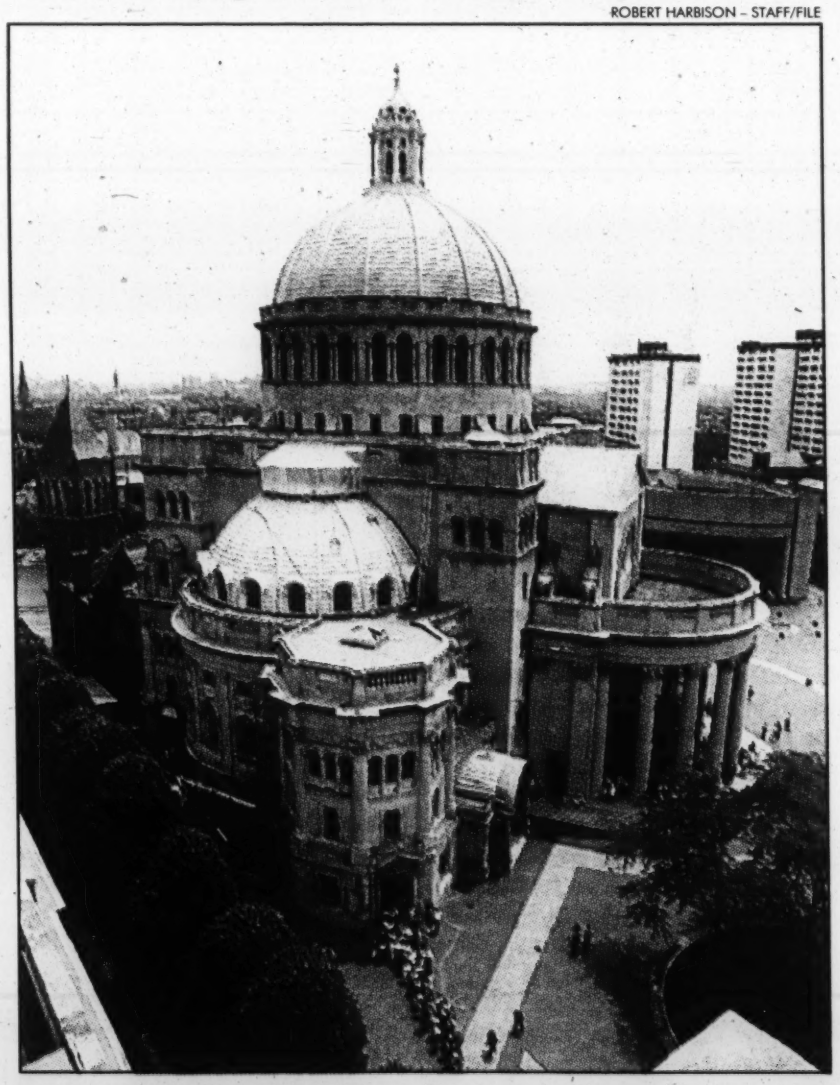
The audit of the church's books was still in process at the end of last week. Bowersock said the auditors faced "less uncertainties" than they did a year ago. Selover described the shutdown of the TV operations and stabilization of the church finances as "a monumental shift."

R. NORMAN MATHENY – STAFF



Christian Science Church treasurer John Selover (left) says the stabilization of church finances is a 'monumental shift.' But he says the real story is the church's efforts to bring the writings of Mary Baker Eddy to the world's attention.

ROBERT HARBISON – STAFF/FILE



THE FIRST CHURCH OF CHRIST, SCIENTIST: *The denomination's annual meeting will be held today in Boston. A report on the meeting will be carried in Wednesday's editions of the Monitor.*

COVER STORY

MARIANNE LE PELLEY – STAFF

PLACID FACADE: *The ivy covered exterior of Harvard Law School's Langdell Hall belies the furor that has erupted in recent years over the composition of the faculty.*

The Diversity Battle at Harvard Law

At the prestigious law school, controversy rages over demands to add women and minority scholars to the faculty

By Max Boot
Staff writer of The Christian Science Monitor

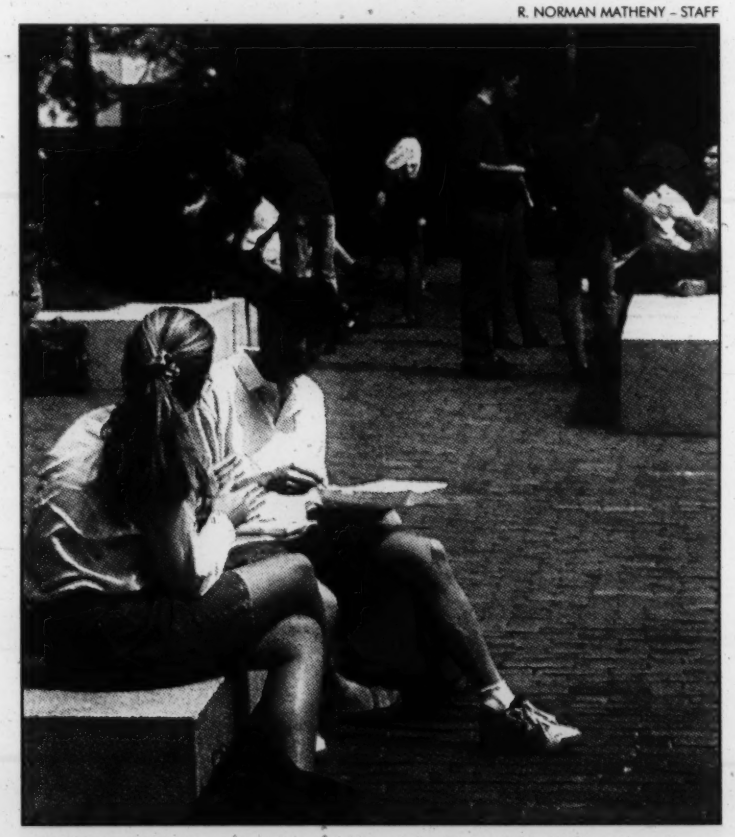
CAMBRIDGE, MASS.

WHEN students arrived at Harvard Law School the morning of April 14, they found some startling news waiting for them.

A letter, printed on official-looking stationery and signed by Dean Robert Clark, announced that the law school would offer tenure to four "women of color" – including Anita Hill – in response to students' clamoring "for role models and a wide array of voices on the other side of the podium."

That morning, a delegation from the Coalition on Gay, Lesbian, and Bisexual Legal Issues was visiting Dean Clark's office to discuss the controversial issue of "faculty diversity."

R. NORMAN MATHENY – STAFF



LAWYERS TO BE: *Harvard law students in Pound Hall Courtyard, many of whom have taken sides in the diversity dispute, are as likely to be discussing politics as property, tactics as torts.*

"We asked Clark how he'll make the appointments happen," recounts Inga Bernstein, a second-year law student. "He looked a little puzzled. We weren't sure what was going on. But it slowly dawned on us that something was not right."

The letter, it turned out, was a hoax. Later in the day Clark issued a memorandum announcing: "The four scholars named in the letter have not been offered tenured positions." Before long, a shadowy group of radical students calling themselves the Sojourner Truth Squad claimed responsibility for the cleverly executed prank.

While some might dismiss the fake letter as an example of Ivy League high jinks, many here viewed it as only the latest fusillade in the long-running battle over the composition of Harvard Law School's professoriate.

See **COVER STORY** *next page*

Dispute Over Faculty Makeup Has Made Harvard Law School 'Beirut on the Charles'

continued from page 9

COVER STORY

For several years now, leftist students have been taking steps ranging from lawsuits to sit-ins in a bid to "diversify" the overwhelmingly white and male faculty at the Harvard Law School.

Although they haven't succeeded in their primary objective – tenuring a "woman of color" – the protests have helped to politicize the atmosphere and fray relations between students of different views and races.

Similar controversies are raging at law schools around the country, but with nowhere near the ferocity and rancor as at Harvard. Many blame the news media for that. By covering every detail of the controversy, some critics say, the press pours gasoline on the flames.

"The idea that a national newspaper takes an interest in this is appalling," Prof. Charles Fried, a former solicitor general in the Reagan administration, tells a reporter. "Don't you have anything more important to write about?"

Part of the interest in Harvard Law School stems from the mystique created by best-selling author Scott Turow's book "One L," a chronicle of his first year at Harvard Law, and the film "The Paper Chase," a fictional account of a student's similar ordeal. But there is an element of truth underlying the myth: What is decided here will echo far beyond Cambridge, Mass.

Harvard is probably the best-known law school in the country and, although Yale has topped it in recent surveys, still one of the best. Its professors and alumni assume a central place in American society; just recently, for example, two Harvard Law faculty members were tapped for senior positions in the Clinton administration. What happens here will affect not only other law schools and not only the legal profession, but also society as a whole.

"Every major law school is feeling pressure from its students to make the faculty more diverse," says Yale Kamisar, a law professor at the University of Michigan in Ann Arbor. "These things are going on everywhere, but they've captured attention at Harvard because Harvard has always been a leader.... Everyone looks to Harvard."

What the world sees when it looks to the red-brick and white-granite buildings of Harvard is a debate with sharply drawn battle lines.

Diverse student body

The pro-diversity forces argue that hiring more women and minority professors would enrich students' learning and provide vital role models for minority students. There are plenty of minority scholars Harvard could hire, they contend, but they say that the law school won't do so because the middle-aged, white male professors are not open to different perspectives. Some go further and say that the professoriate is guilty of "racism and sexism."

"Faculty diversity is such a painful issue because we have a diverse student body, but that fact is not represented on the faculty," says Ms. Bernstein, a short-haired, denim-clad leader of the homosexual group on campus. "Racial and ethnic minorities experience the world in its full oppression – and they may have a particular viewpoint that they bring to the classroom. They understand things that straight white men cannot understand to the depths of their being."

Hogwash, reply many students and faculty members. Prof. Alan Dershowitz – an outspoken attorney who has defended such famous clients as Mike Tyson, Leona Helmsley, and Claus von Bulow – says bluntly that the "quest for diversity is phony."

"Several years ago, we had a woman proposed by the appointments committee and every female professor voted against her because she wasn't sufficiently feminist," he says. "It's not about gender or ethnic diversity – it's about political conformity to the left."

Among the faculty members, two-thirds of whom must approve any candidate for tenure, there are enough professors who feel as Professor Dershowitz does to frustrate the demands of diversity demonstrators. Although Dean Clark has pledged to recruit more female and minority scholars – he says that half of the law school's appointments in the past decade have come from those groups – he has refused to sacrifice traditional standards of "excellence." He and others also say they have been stymied by factors beyond their control.

For instance, two women who were offered tenure earlier this year – Elizabeth Warren of the University of Pennsylvania and Carol Rose of Yale University – turned down Harvard, apparently for personal reasons.

One of the most popular female professors already on the staff, Kathleen Sullivan, has announced she is leaving for archrival Stanford Law School next year. "It's very discouraging," sighs Professor Fried, a member of the appointments committee.

The bottom line, as far as student radicals are concerned, is that little has been done. But it isn't for want of trying on their part. In recent years, the skirmishes between proponents and opponents of diversity have transformed Harvard into a place that some have dubbed "Beirut on the Charles."

The first shot was fired in 1990 when Derrick Bell Jr., Harvard Law's most senior black faculty member, made national headlines by taking a leave of absence from the school to protest the fact that no "woman of color" had been granted tenure. No black woman has been added to the school's permanent faculty since his protest, however, and – after unsuccessfully seeking an exemption from the law school's policy limiting leaves of absence to two years – Professor Bell quit for good last year.

The same year that Bell took his leave of absence, some law students organized a group called Harvard Law School Coalition for Civil Rights and filed a lawsuit charging the school with discrimination. The case was dismissed by the Massachusetts courts on the grounds that such an action could be brought only by someone who has actually been denied tenure.

Another flurry of activity came last year. First, the law school tenured four white male professors. Then Dean Clark was quoted in the press making some slighting comments about the pro-diversity demonstrators. But the most controversial incident occurred when a group of conservative law students produced a satire of a Harvard Law Review article, published posthumously, by Mary Jo Frug, a New England Law School professor who had been stabbed to death on a Cambridge street (she also was the wife of Gerald Frug, a member of the Harvard Law School faculty). Ms. Frug's article was called, "A Postmodern Feminist Legal Manifesto." The conservatives' spoof: "He-Manifesto of Post-Modern Legal Feminism," by the "Rigor Mortis Professor of Law."

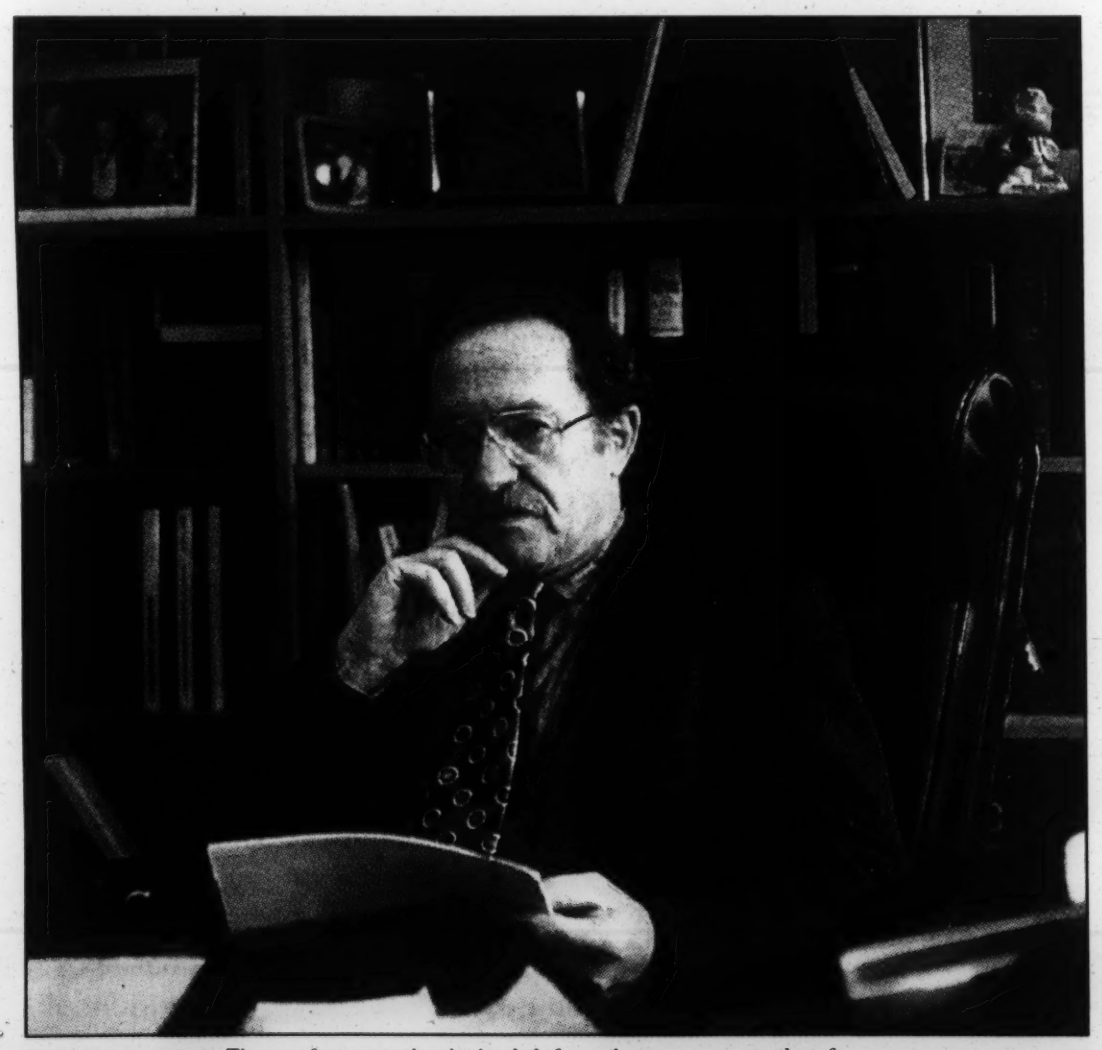
Furor over parody

That sent the campus into a tizzy. Student radicals staged numerous protests and even occupied the dean's office. The most liberal students and professors argued that the parody was a product of the "sexist" atmosphere created by Harvard's alleged lack of diversity; Prof. David Kennedy called for the authors of the parody to be punished.

Other scholars, led by Dershowitz and Fried, defended the parody's authors on freedom-of-speech grounds. The school's disciplinary board decided to take no action. "The censors lost that battle," Dershowitz crows.

This school year – which ends with com-

HARVARD LAW STUDENTS: *With many women and men*



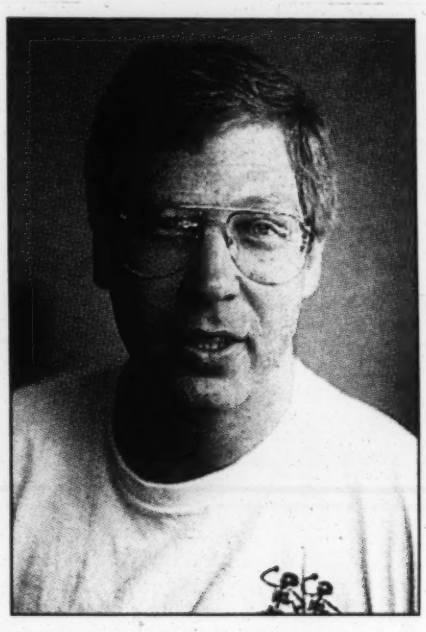
ALAN DERSHOWITZ: *The professor and criminal-defense lawyer asserts that for many proponents of faculty diversity, the real goal is to hire scholars who adhere to a leftist political agenda.*

PHOTOS BY R. NORMAN MATHENY – STAFF

...nd members of minority groups, the law school's student body is far more diverse than the predominantly white male faculty.

'Racial and ethnic minorities experience the world in its full oppression – and they may have a particular viewpoint that they bring to the classroom. They understand things that straight white men cannot understand to the depths of their being.'

– Student Inga Bernstein



'It's hard to stay apolitical here for long. Some do and they ... find themselves at the fringes. The vast majority of students are organized along ideological lines. People say there are no social activities here that don't revolve around [political] issues.'

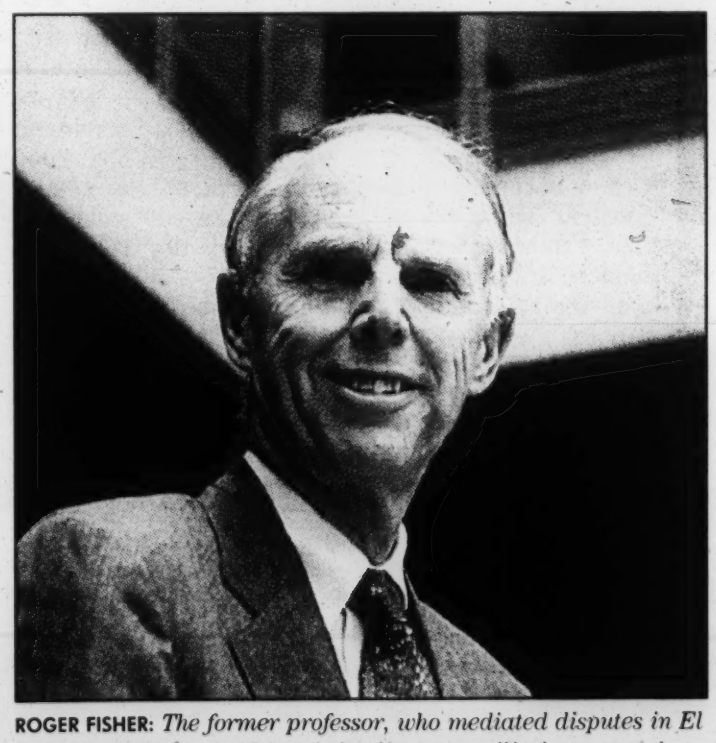
– Student Neil Glazer

...ale mencement ceremonies June 10 – the diver-
...d in sity debate has been more muted.
...nts In the fall, controversy broke out over
...But alleged racism by the editor of the Harvard
...rred Law Review, who removed two black student
...nts editors from a sensitive assignment (she was
...iew cleared of all charges by an independent
...r Jo investigator).
...ssor In the spring, there was a small
...am- brouhaha when Catharine MacKin-
...Ger- non, a controversial feminist scholar
...Law from the University of Michigan, fell
...was a few votes shy of the two-thirds fac-
...ani- ulty majority needed to be granted
...ani- tenure. But since the decision
... by occurred just before spring break,
there was no major outbreak of protests.

...dent Raul Perez, the leader of La Alian-
...ven za, a Latino student group, attributes
...eral this year's relative calm to the fact
...par- that the administration has avoided
...nos- confrontations with student radicals.
...x of "[Dean] Clark has done what all
...the good politicians do: He's listened to
the activists, nodded his head a lot,
...and and said we have to have committees
... on look into it. Then the issue goes on
...ol's the back burner and slowly dies,"
...ion. says Mr. Perez, a second-year stu-
...witz dent.

...om- Camille Holmes, a third-year student sitting next to Perez in the law school's Harkness Commons, points to another factor: burn-out. "People are just exhausted with hitting their heads against the walls. Nobody wants to reach that level of conflict again," says the soft-spoken Ms. Holmes, who is outgoing president of the Coalition for Civil Rights.

Most students have been happy to go about their studies this year without becoming involved in the diversity debate, Holmes and others say. The committed activists, both liberal and conservative, are a small number. But the activists' agitation has affected even those who are, as first-year student Rory Verrett puts it, more interested in "what power tie to wear than in faculty diversity."



ROGER FISHER: *The former professor, who mediated disputes in El Salvador and South Africa, is leading a conciliation group that is trying to find common ground in the controversy.*

Neil Glazer, a third-year student active in the conservative Federalist Society, says the diversity movement has helped to politicize every aspect of campus life. "It's hard to stay apolitical here for long. Some do and they tend to be alienated; they find themselves at the fringes," he says. "The vast majority of students are organized along ideological lines. People say there are no social activities here that don't revolve around [political] issues."

Dershowitz cites another consequence: The diversity protests, he says, have fostered an atmosphere of political correctness that has had an "informal chilling effect on junior faculty members and students." Some confirmation of this comes from a group of students sitting around a lunch table in the law school's cafeteria.

"Conservatives feel hushed," says Tony Barkow, a first-year student who describes himself as a liberal.

Another first-year student, who refuses to give his name because he's "worried about my career," says: "I'm liberal and *I* feel hushed. I, literally, when I said something in class about white males I was shaking in anticipation of the hisses. If you say something that's not politically correct, there's overt or covert pressure."

At bottom, the protests have only contributed to an atmosphere of "alienation and student-faculty confrontation," says Roger Fisher, a retired professor.

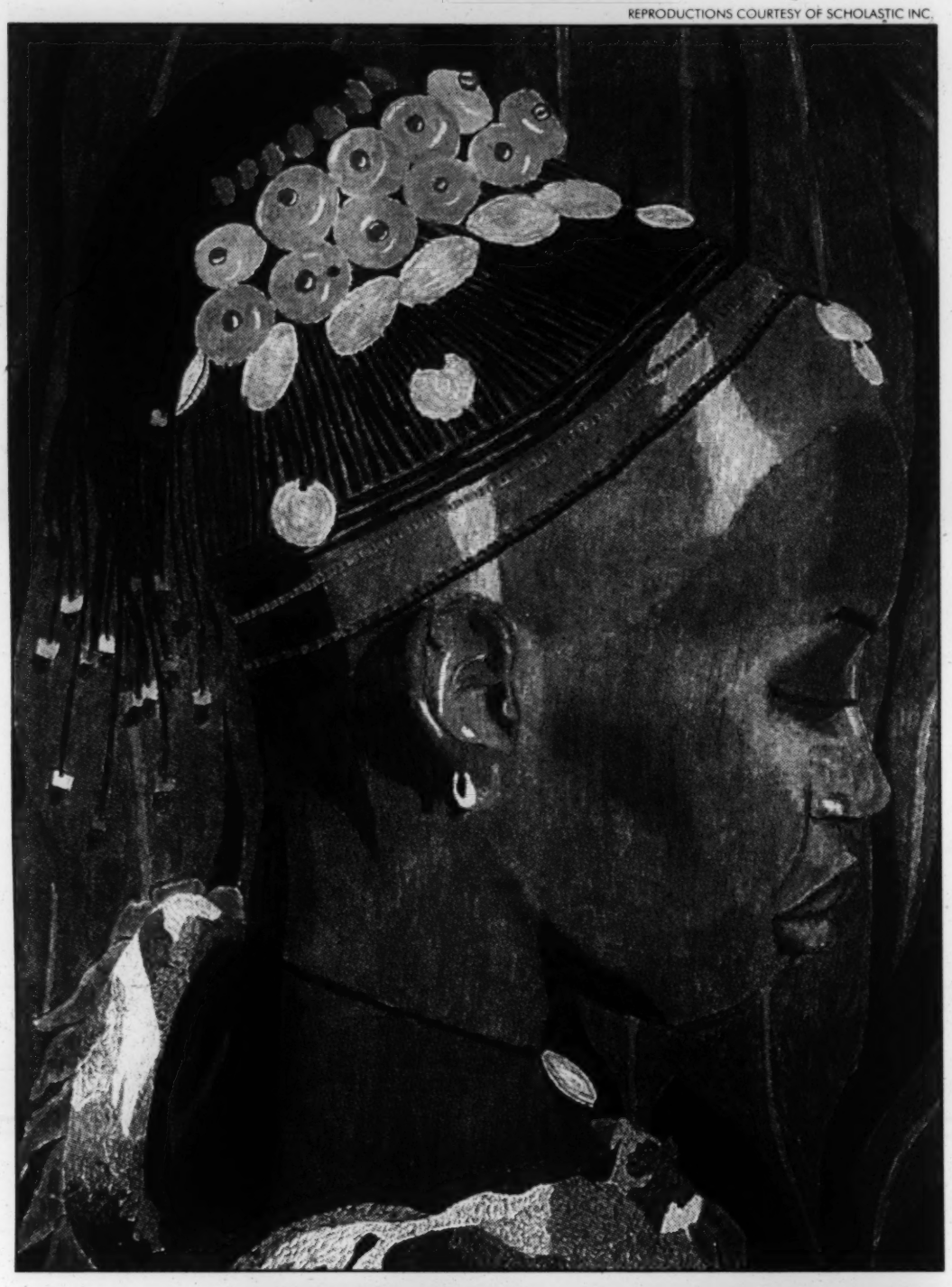
Last year, the dean appointed Mr. Fisher, author of the 1981 bestseller "Getting to Yes: Negotiating Agreement Without Giving In," to head a group of students and faculty members who are trying to bring civility back to the law school. But even Fisher acknowledges that the Project on Community hasn't made much of a dent in reducing the law school's confrontation level.

Others are more blunt. "No matter what their politics, people here think the Project on Community is a joke. It's useless. It won't accomplish anything," Mr. Glazer says.

But Fisher won't give up easily. His experience as a negotiator between the government and rebels in El Salvador and South Africa gives him reason for hope. "When people say this place is conflict-prone, I reply that in South Africa the political-murder rate is 10 a day," he says. "Harvard is a much more peaceful place."

ARTS

REPRODUCTIONS COURTESY OF SCHOLASTIC INC.



AWARD-WINNING ARTWORK: *Drawings by Renae Shows (above), a 14-year-old at West Jones high school in Laurel, Miss., and Ryan Bothwell (below), a 17-year-old at Carl Sandburg high school in Orland Park, Ill. This year the Scholastic Art & Writing Awards brought in more than 250,000 works from 6th- to 12th-graders across the United States. Over 50 institutions of higher learning contributed $350,000 in scholarships.*

Scholastic Awards Boost Confidence For Creative Kids

By Laurel Shaper Walters
Staff writer of The Christian Science Monitor

BOSTON

ERIC AKIL CARTER, a senior at Albert Einstein High School in Kensington, Md., used to call himself "the self-proclaimed greatest artist of all time."

Now that he is a National Portfolio Winner in the 1993 Scholastic Art Awards, Eric has an easier time convincing others that his artistic work is worthwhile.

"With the award, I don't have to prove anything to people; I get respect," Eric says.

Respect for creativity is the foundation of the Scholastic Art & Writing Awards.

The annual contest was established nearly 70 years ago by Maurice Robinson, founder of Scholastic Inc., which publishes classroom magazines.

"He was concerned that young people were getting a lot of accolades for athletics and not being rewarded for serious creative pursuits," says Susan Ebersole, director of the Scholastic Art & Writing Awards.

Some Scholastic award-winners have gone on to become well-known artists and writers. Sylvia Plath, Joyce Carole Oates, Truman Capote, and Richard Avedon were all Scholastic winners during their high school years.

'We want to validate the choice that some young people make to pursue a creative career.'

– Susan Ebersole, director of Scholastic awards

"We want to validate the choice that some young people make to pursue a creative career," Ms. Ebersole says.

The Scholastic competition is one of the largest contests for student writers and artists in the United States.

"Scholastic is quite prestigious," says Oroon Barnes, who teaches art at Albert Einstein High School and encouraged Carter to enter the contest. "It is very difficult to win because of the number of kids applying and the fact that you have to go through the regional competitions."

About 250,000 middle and high school students in all 50 states participated in 63 regional Scholastic competitions held this year. Local businesses and schools sponsor these events and host exhibitions of the winning entries.

The 15,000 regional winners go on to the national competition. About 750 students win cash or scholarships in this final competition, which is judged by curators, artists, writers, and educators.

More than $90,000 worth of scholarships and cash prizes were awarded in about 20 categories.

This year, Scholastic introduced the Portfolio Award for high school seniors. Ten awards were given to graduating students whose portfolios "show the promise to make a significant contribution to their chosen fields." The Portfolio Award includes a $5,000 scholarship for tuition at college or art school.

But as Mr. Barnes points out, "when you are going to a school that costs $20,000 a year, a $5,000 scholarship isn't going to determine whether you go to that school or not."

To further help with tuition costs, Scholastic expects between $350,000 and $500,000 more in scholarships to be generated from the portfolio nominee program. The judges, among them novelist Tama Janowitz and poet Amy Clampit, made 150 recommendations for scholarships at 50 participating art schools and universities.

Scholastic matches participating schools with competitors who have been accepted by those schools and makes recommendations for scholarships.

Rebecca Hirschfield, a senior at Hunter College High School in New York City, received word that she had won a Writing Portfolio Award two days after she got college acceptance and rejection letters in the mail.

"This came at an important time for me," she says. "It made me feel that at least some aspect of me was worthy of recognition."

The award may also help Hirschfield convince her first-choice college to move her off the waiting list. She and Scholastic have both sent the college letters letting them know about the award.

Beyond the help she may get in gaining admittance to college, Hirschfield says it feels good to know that her writing appeals to "total strangers." The award also helped solidify her decision to pursue a writing career.

"If you never get recognition for your work, you're much more likely to decide that you don't really have a chance in the oh-so-competitive world of creative writing," she says.

Julie Robbins, a senior at Breckenridge High School in Breckenridge, Texas, won a Writing Portfolio Award for her poetry. She plans to use her scholarship to attend Southwestern University in Georgetown, Texas.

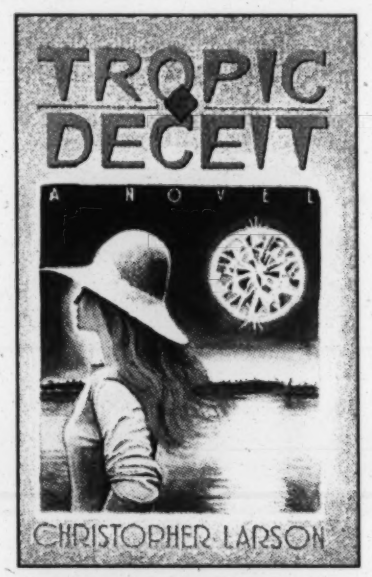
"It just floors me that people like my stuff," Julie says. "The award made me feel a lot more confident as a writer. I thought for a long time that this [writing] would pretty much just be for me. But it's becoming a little more tangible now to think about it as a career."

BOOKS IN BRIEF

HEROINES, SPIES, AND LIES

Of the wide range of thrillers available this spring, these eight novels of suspense and detection stand out. It is interesting to note that they are all by men, since women writers contribute equally to this field. (The incomparable P. D. James is temporarily on a different course. Her latest book, "The Children of Men," deals with infertility and a childless world.) John Grisham's "The Client" is not included here although it is high on the bestseller lists. Three of Grisham's other titles are paperbacks with mega-sales. He is such a familiar commodity that it is more fun to look elsewhere. Here, in no special order, are the selections. Happy spine-tingling reading!

DRAGON TEARS, *by Dean Koontz (G. P. Putnam's Sons, 377 pp., $22.95).* "Sometimes life can be as bitter as dragon tears. But whether dragon tears are bitter or sweet depends entirely on how each man perceives the taste." This Chinese saying, related by private detective Mickey Chan, explains the novel's title. Other characters include perfectionist police detective Harry Lyon and his attractive colleague on the Los Angeles police force Connie Gulliver. Both take life pretty much as it comes until they are stalked by a supernatural Ratman or troll, whose guises are many. He warns that they and all they love will be dead by dawn. Koontz is a master of the macabre and the surreal. "Dragon Tears," his 20th book, is a Literary Guild selection. There is terror here, as visceral as it is vicarious.



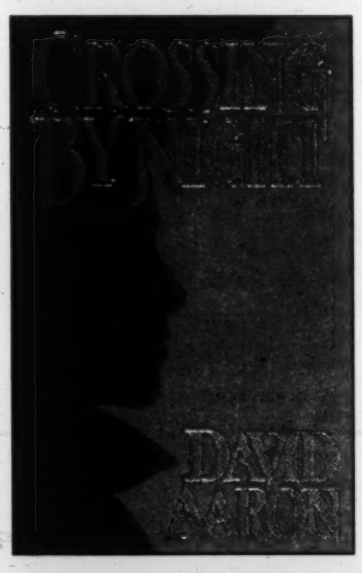
TROPIC OF DECEIT, *by Christopher Larson (William Morrow & Co., 304 pp., $23).* A lighter entry in the thriller sweepstakes, "Tropic of Deceit" is a first novel of considerable promise. The author is a Yale graduate who had a brief tour of duty in the Foreign Service in Bangladesh. In the story, the overseas post becomes Navidad, a fictional Caribbean island. The props are conventional enough – a mysterious reef, sunken treasure, a dusky local big shot called Cort and a bumbling diplomat who is Larson's alter ego. What makes the story amusing is the heroine, Bobbi Lyons, with shoulder-length red hair and a total inability to tell the truth. Bobbi, a close kin to Truman Capote's Holly Golightly, is wholly delightful.

DEGREE OF GUILT, *by Richard North Patterson (Alfred A. Knopf, 548 pp., $23)* is the best courtroom drama since Scott Turow's "Presumed Innocent." San Francisco lawyer Patterson draws on the Anita Hill case and William Kennedy Smith's Palm Beach trial, but the story generates its own power. A national bestseller since early '93 publication.

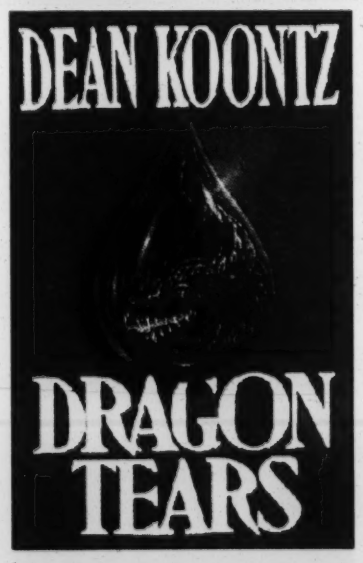
POINT OF IMPACT, *by Stephen Hunter (Bantam Books, 451 pp., $21.95).* Bob Lee Swagger served as a marine in Vietnam, scoring 87 kills and becoming a world-class sniper. Now, 20 years later, he lives in the Arkansas hill country with a mangy dog and his many rifles for company. A shadowy group of government officials seeks his help for one more kill – to save the president of the United States from assassination. He accepts, but the plan misfires and suddenly Swagger himself is on the run. This Book-of-the-Month Club selection contains real cumulative power – and all you ever need to know about 1,200-yard targets and how humidity can affect a bullet's trajectory.

THE LAST SPY, *by Bob Reiss (Simon & Schuster, 300 pp., $20).* What happens to Russian spies in America when there is no Soviet Union to spy for? What is the future of three of these "agents in place" when they lose themselves in their American identities? Who controls them from home base? Is there anything left to spy for? Can Ash, David, and beautiful Corinna even trust each other? Washington reporter Bob Reiss, in an impressive first novel, shows a firm grasp of the techniques of international espionage as his trio gropes for new parts to play.

THE JOURNEYMAN TAILOR, *by Gerald Seymour (HarperCollins, 349 pp., $20).* "He hugged the shadows. The night was his friend, and had been ever since he could remember." Such is the description of Jon Jo Donnelly, the Irish terrorist in Gerald Seymour's latest novel. It could apply to the story as a whole, for most of the deeds are done in the dark. Seymour's dozen books deal mainly with the Irish Republican Army in conflict with the British secret service – and once again he invites comparison to John le Carré and Graham Greene. After a year in England, Donnelly slips back to the mountains of Tyrone to find that a traitor or "tout" has infiltrated his tightly knit operation. Tough-lovely, legendary Cathy Parker is the tout's link to the British. The plot unravels with the impact of a mattock.



THE VENERABLE BEAD, *by Richard Condon (St. Martin's Press, 294 pp., $21.95).* The author of "The Manchurian Candidate" and more than a score of other glitzy novels has earned his spurs many times over. He can amuse himself – and us – any way he wants to. His new offering is the picaresque story of durable Leila Aluja, born in Michigan of Iraqi parents. She has "the nerve of eleven Apache Indians," Condon tells us. The second of her four husbands, Hollywood's most powerful agent, makes her a celebrity and gives her as a talisman a star ruby that had been in a Russian ducal family for 900 years. It is indeed a "venerable bead." Who cares if Condon has never quite learned the difference between satire and plain old hyberbole?



CROSSING BY NIGHT, *by David Aaron (William Morrow & Co., 363 pp., $22).* The late H. Montgomery Hude and others wrote nonfiction books about the fabulous American spy called Elizabeth Pack. Now her exploits are retold in a fast-paced and entertaining novel by David Aaron. Perhaps her greatest triumph was the smuggling of a model of the Enigma machine from Poland across Germany to England on the eve of World War II, enabling the Allies to break the Nazi code with spectacular success. Her offbeat encounters with Vita Sackville-West and Col. Josep Beck, the Polish foreign minister, add spice to the narrative. By comparison with those earlier factual accounts, however, fiction here is marginally stranger than truth.

– Burke Wilkinson

The Recycling Payoff In Energy-Tax Plan

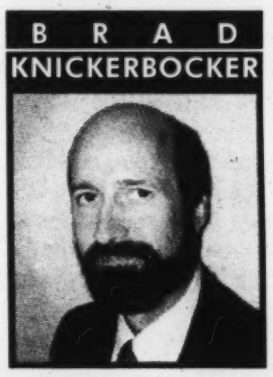
IT looks now as if Bill Clinton's proposed tax on the energy content of fuels – the so-called Btu tax – will be lost in the legislative meat-grinder. In its place is likely to be a scaled-back levy more pleasing to affected industries and lawmakers from energy-producing states.

It's too bad, because the original proposal had considerable economic and environmental merit. It stimulated progress in the direction that some businesses, institutions, entrepreneurs, and communities already are headed.

This is clear in two recent studies by the Institute for Local Self-Reliance, a nonprofit research and educational organization with offices in Minneapolis, Philadelphia, and Washington. One study is titled "Beating the BTU Tax: The 6 Percent Solution," and the other is called "Saving BTUs Through Recycling: How Manufacturers Can Offset the Proposed Energy Tax."

Under the original Clinton proposal, oil would be taxed at just under 6-cents-per-million British thermal units (Btus), a measure of energy. Other traditional fuels would be taxed at about half that rate, and renewable sources (except for hydropower) would be tax-exempt. The average tax rate would be 6 percent, hence the first report's title.

Using government, industry, and academic figures, Institute for Local Self-Reliance analysts (one-third of whom are engineers) concluded that almost all farmers, manufacturers, homeowners, and building managers could reduce energy consumption by 6 percent "with investments that quickly pay for themselves."



We're not talking here about far-out or even highly sophisticated measures, but rather low-tech devices and relatively simple practices that already have successful track records.

In agriculture, for example, thousands of farmers have adopted low-tillage or no-till practices under government programs to prevent soil erosion. This also saves several gallons of diesel fuel per acre, particularly for energy-intensive crops like corn.

An Indiana program begun in 1989 shows farmers using no-till methods increasing their net per-acre income by $6.35 (more than $4,000 for a 700-acre farm), and the economic payback is immediate.

In key primary manufacturing sectors (aluminum, steel, glass, and paper), achievable increases in recycling using current technologies would offset a Btu tax.

In glass, for example, the industry average is 30 percent recycled content. The Owens-Brockway glass plant in Portland, Ore., however, uses an average scrap content of 54 percent, which saves energy because cullet (crushed scrap glass) melts at a lower temperature than raw ingredients.

If the glass industry were to achieve those figures – and there's no reason to think it couldn't do even better – considerable energy costs could be avoided. In steel, increasing recycling by 10 percent would offset the Btu tax of $4.50 a ton. Raising the average level of aluminum recycling from one-third to 45 percent would do the same thing. (A Golden Aluminum Company state-of-the-art plant in San Antonio already uses 70 percent scrap.)

Recycling benefits go beyond energy savings. In paper-making, for example, using recycled fiber not only requires 60 percent less energy but also consumes half the water. And it reduces air pollution by 74 percent and water pollution by 35 percent.

Energy efficiency in residential and commercial buildings also could more than offset a Btu tax. The Environmental Protection Agency's "Green Lights" program of conversion to more efficient lights in office buildings has been shown to reduce lighting energy consumption 47 to 83 percent with a payback of three years or less. High-efficiency rehabbing of multifamily dwellings in Illinois involved an investment increase of 5 percent but reduced energy costs 31 to 75 percent.

The main argument against a Btu tax has been economic. But once the cost of investing in offsetting technologies and practices had been paid back in a few years, there would be that much more money to invest in new jobs.

As the Institute for Local Self-Reliance accurately concludes: "The BTU tax is not a threat to the economy. It is a challenge to our ingenuity."

BOSNIA from page 1

Several decisions to be hammered out here at the UN and at NATO headquarters in Brussels this week may prove key.

Acting under Chapter 7 of the UN charter, the Security Council June 4 voted to expand the number of peacekeeping troops in Bosnia and authorized them to use force to protect designated "safe havens" from attack. Member states also are authorized to use limited airstrikes against Serb ground targets. As many as 25,000 more peacekeepers may be needed. NATO will coordinate any airstrikes, and UN Secretary-General Boutros Boutros-Ghali is to draft an implementation plan and cost estimates for the Council by early next week.

Gaining the cooperation of Bosnia's three warring parties will be vital. But continuing Bosnian Serb attacks on the Muslim-dominated towns of Gorazde, Gradacac, Gracanica, and Brcko this weekend, and Bosnian Serb leader Radovan Karadzic's insistence that he wants no more UN "occupation" troops in Serb-held areas, suggest the Bosnian Serbs will resist UN action.

Rules of engagement also must be spelled out. The US, for instance, says air strikes should be confined to retaliation for attacks on UN troops. Europeans say air strikes should also be mounted in response to attacks on Muslim residents inside the safe havens.

"What if the Serbs shoot over the heads of UN forces into the enclaves?" asks Zalmay Khalilzad, a Yugoslav expert with the Rand Corporation.

"If UN troops are simply going to be defending themselves and humanitarian convoys, the Serbs and Croats can continue doing what they have been doing if they avoid hitting the UN," agrees Janusz Bugajski, an expert on Eastern Europe with the Center for Strategic and International Studies. "I just feel this is too little and too late."

The bottom line, says Indar Jit Rikhye, an expert on UN peacekeeping with the US Institute of Peace, is whether or not the new peacekeeping mandate in Bosnia, which involves more risks, really will be fully implemented. Current peacekeeping forces in Bosnia had Chapter 7 authority to use force to protect the delivery of relief aid but did not use extra power. "They discovered they would have to fight," he says.

Much may depend on the Council's political determination. General Rikhye says peacekeeping troops run into trouble when their political leaders are indecisive and fail to offer clear guidance and direction.

Since the decisive rejection by Bosnian Serbs of the UN-brokered Vance-Owen peace plan last month, world leaders have been sharply divided over how to persuade Bosnian Serbs, who now hold 70 percent of the land, to give up some of their conquests. The Vance-Owen plan, which calls for division of Bosnia into 10 semi-autonomous, ethnic-based provinces, would require Bosnian Serbs to pull back to 43 percent of the territory.

No major power favors direct military intervention. The US favors only a partial lifting of the UN arms embargo on Bosnian Muslims and limited airstrikes against Bosnian Serb forces, while Britain and France, which have troops on the ground with the UN, championed the safe havens. The Security Council has fleshed out the plan's call for both safe havens and a war crimes tribunal.

This week the Council will take up the third element of the plan: a call for UN monitors along Bosnian borders to ensure that fuel and other supplies are not brought in from neighboring Serbia or Croatia. Serbian President Slobodan Milosevic at first agreed to such monitors but now rejects them. On June 4 President Franjo Tudjman of Croatia said he would accept such monitors along Croatia's border with Bosnia.

Bosnia's Muslim-led government, which wants relief from the arms embargo, has been sharply critical of what it sees as a global lack of political will to stop Serb aggressors.

"For once confront them – or at least allow the Bosnians to confront them," insists Muhamed Sacirbey, Bosnia's ambassador to the UN. In remarks to the Security Council before the vote, he said the safe-havens plan in effect declares "open season" on Muslims who live anywhere else in Bosnia.

It is that same sense of frustration, shared by the five nonaligned members of the Council, as well as by Hungary and New Zealand, which effectively kept the UN in a state of diplomatic limbo for most of the last two weeks.

Diego Arria, Venezuela's ambassador to the UN, delivered a long and eloquent speech before the recent UN vote in which he said he wanted a deadline by which Bosnian Serbs must take steps to implement the Vance-Owen plan or face stronger measures. He says the safe-havens approach amounts to a containment policy that could involve the UN "forever." He wanted the resolution to include more clearly defined protection for Muslim civilians. "You must be willing ... to really make these areas safe and not just give the impression that you are doing something," he said.

In the end, the Council resolution, drafted by France, included some of the nonaligned nations' key points. The measure stressed that the Council action was only one step, that tougher measures could follow, and that adoption of the Vance-Owen plan remains the goal.

China, which often abstains on measures authorizing use of force, voted for the safe-havens resolution on humanitarian grounds.

US Ambassador to the UN Madeleine Albright called the proposal "an intermediate step" but one which could be decisive in stopping the violence.

Bosnian Serb leaders, whom Lord Owen recently described as "cocky" and not ready for serious peace negotiations, have apparently decided that Western military threats are more bark than bite.

Mr. Luck of the United Nations Association says that just as the UN is moving to a more "intrusive" stance (with safe havens and humanitarian aid delivery) that demands more cooperation from Bosnian Serbs, the West has been abandoning enforcement as a technique. "We're taking away leverage just at the time we need more," he says.

PASCAL GUYOT/AFP

TUZLA, BOSNIA-HERZEGOVINA: *UN soldiers escort refugees from the besieged enclave of Srebrenica. The UN Security Council has authorized peacekeepers to fight to defend Bosnia's Muslims in designated safe havens.*

CONGRESS from page 1

haircuts and Hollywood pals, by nominees like Mrs. Guinier, and by divisive issues like gays in the military and energy taxes.

The polls are discouraging. In New Jersey, 70 percent of voters now say their impression of Clinton's performance is either "poor" or "fair." Only 28 percent give him "good" or "excellent" marks, according to a survey last week by Mason-Dixon Political/Media Research, Inc. Even at home in Arkansas, the president gets positive marks from just 39 percent of the voters, but negative grades from 58 percent.

"What those numbers mean is that Clinton is at Nixon levels during Watergate," says Del Ali, vice president at Mason-Dixon. Mr. Ali concludes: "The Hollywood crowd has to go. Hanging around with Jane Fonda and the Thomasons [Harry and Linda] has to stop. The American people ... want Clinton to succeed. But he has to start doing it now."

Some Clintonites blame the press, including cover stories like "The Incredible Shrinking President" in last week's Time magazine. But experts see more than that.

Stephen Hess at the Brookings Institution says: "The press acts as an echo chamber. Good equals great. Bad equals dreadful. So a few victories under his belt can do a lot to restore his image."

Political scientist Fred Greenstein at Princeton University concludes simply: "You get the press you deserve." In Clinton's case, Dr. Greenstein suggests the problems stem, in part, from trying to do so much.

"He is trying to do lots of demanding things – obviously too many in ways that show little sense of strategy, balance, and self-control," Greenstein says. "But with all that said, I think everybody believes that at the end of this year, there is going to be revenue enhancement, and spending cuts, which are addressed toward the deficit. And within two years, some kind of floor on medical care." Even now, Clinton has made a "terrific impact," even if that was done in a "very sloppy way," he says. Clinton is forcing people to confront tough issues like deficits, taxes, and homosexual rights – a sharp change from years of drift under President Bush, he says.

'What those [poll] numbers mean is that Clinton is at Nixon levels....'

– Del Ali, Mason-Dixon Political/Media Research Inc.

Charles Cook, editor of "The Cook Political Report," says Clinton's rapid slide in the polls – the worst drop on record for a new president – started inside the Beltway, with both Congress and the press, but quickly spread.

Even so, Mr. Cook says the public isn't ready to give up on this president. There is a "forced optimism" in America, a feeling that "it really is important for this guy to do well," he says. The danger now is that Clinton could keep falling in public esteem. "We don't really know where the floor is for Clinton," Cook says. "But if his job approval has now gone to the mid-30s, nationwide, you have to assume he cannot drop much below that."

A Newsweek poll, taken by Gallup, puts Clinton's favorability rating at 36 percent, which the magazine calls "the red zone, the Bush-Carter-Nixon zone."

If Clinton is going to climb back, analysts suggest the healing must begin in three places – in the White House, in Congress, and with the public.

Lee Miringoff, a pollster at the Marist Institute for Public Opinion, suggests the president should begin with the people, by rallying support for his programs.

Others suggest his top priority should be a White House shake-up, bringing in more "gray heads," like pundit David Gergen, to say "no" when the president's agenda drifts off course.

Worried by the rapidly approaching 1994 campaigns, Democrats on Capitol Hill are "petrified," Cook says. An unpopular president in the White House could bring big Democratic losses, particularly in the Senate.

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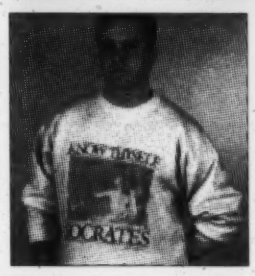

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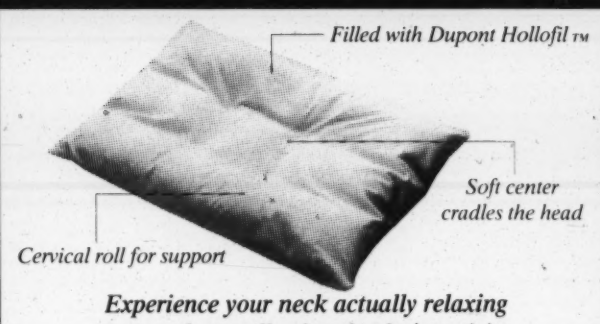

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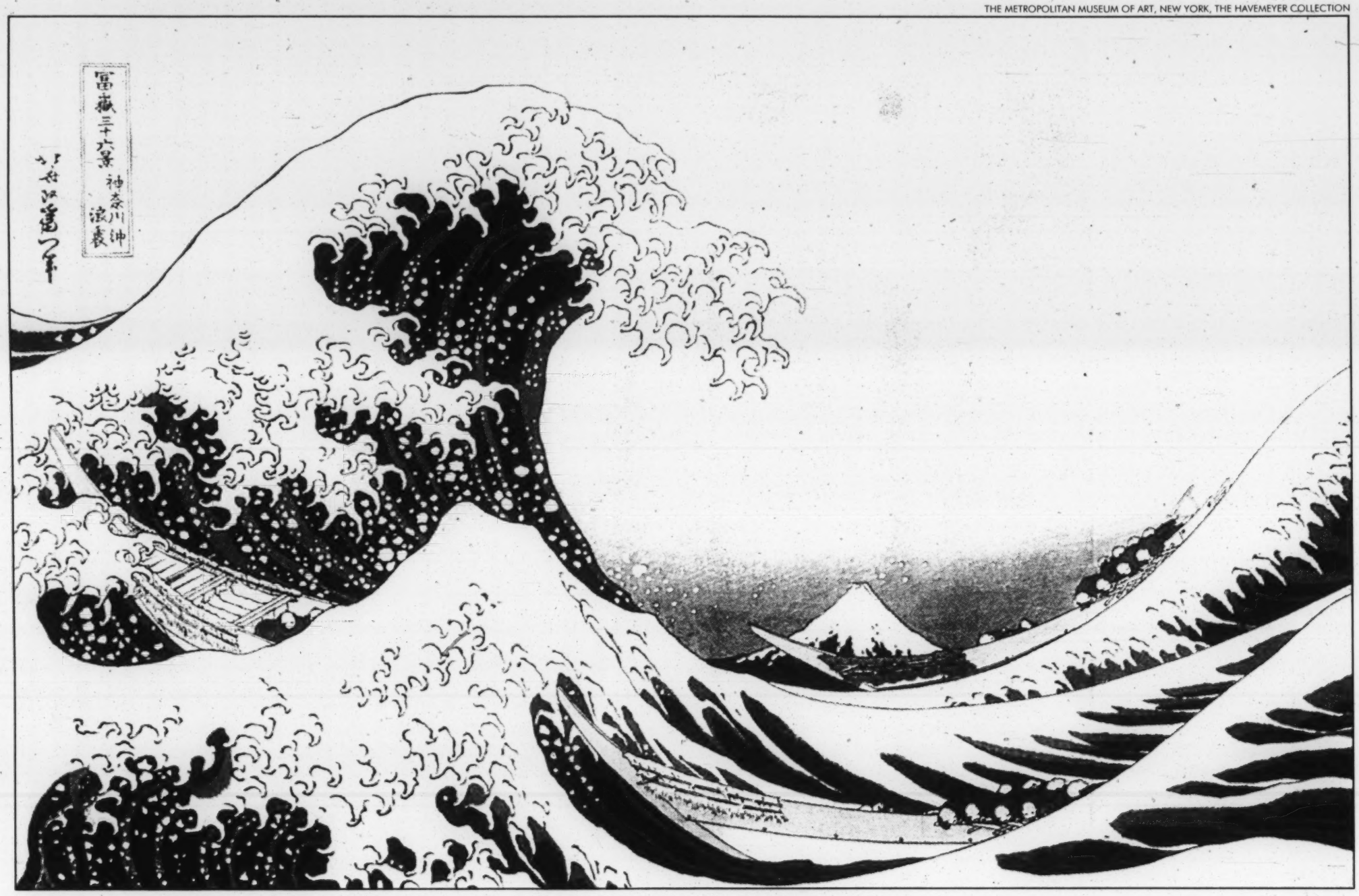

'THE GREAT WAVE AT KANAGAWA' (EDO PERIOD, 1615-1868): *Color woodblock print, 10 1/8 by 14 15/16 in., by Katsushika Hokusai.*

Art Lovers, Museum Builders

THE Metropolitan Museum in New York City is one of the world's great art treasuries. It overflows with marvels from all quarters of the globe and from all epochs of time. Paintings, sculpture, bronzes, carpets, ivories, porcelain, jewels, prints, glass, books, armor, the peculiar treasures of Egypt and the classical world of Islam – right up to photography – are all there.

It is only lately, however, that many of us have come to realize how many of these wonders come from the Havemeyer Collection, presently on special display at the museum. It was this collection, presented to the museum over a period of decades, and culminating in a lavish final bequest in 1929, that lifted the Metropolitan to the status it now enjoys.

Harry and Louisine Havemeyer were both natural collectors, and buoyed up by a vast fortune based on sugar (Harry Havemeyer was known as the Sugar King), they amassed wonderful paintings and objects of art in the last quarter of the 19th century and the first quarter of the 20th. Havemeyer began his purchases before his wife did, and he had a wider range of taste. He was captivated by Oriental silks, porcelain, and bronzes and also loved ceramics from the Middle East. He purchased Old Masters in Europe, notably of the Dutch and Spanish painters – Rembrandt, El Greco, Goya.

His wife's great love, instilled by her friend and mentor Mary Cassatt, was for the Impressionists. She began to buy pictures while still a girl living in Paris; her first serious purchase was a Degas, for which she had to borrow $100 from her sisters. Over the years, she acquired many of the greatest pictures of Manet, Monet, and Degas, while delighting (as her husband did) in the work of Corot. Unlike most of their contemporaries, the couple sought out Corot's figure studies rather than his landscapes. They also loved Cézanne and Courbet.

The Havemeyers were married in 1883, after Harry divorced his first wife, who was Louisine's aunt. He is said to have had an income of $10 million a year (and there was no income tax), and could afford to buy freely even when the authorities imposed fines on his transactions amounting to $2 million.

THE Havemeyers' marriage was good: They were happy together with their kindred tastes, traveling to find pictures and sculpture. They built a great house for their treasures on the corner of 5th Avenue and East 66th Street and put its decoration into the hands of Louis Comfort Tiffany and artist Samuel Colman. The couple hosted renowned musical evenings, nurtured their daughters, and increased their possessions. Frick, Kress, and Morgan were doing the same thing, and Carnegie had a house farther up the Avenue. This was an era we hear much about, and not always favorably, but the Metropolitan and its visitors certainly gained a great deal from the Havemeyers.

Harry Havemeyer fell in love with Japanese woodcut prints at a time when artists like Whistler were just discovering this rich, evocative art form. The famous Hokusai wave, which now delights many, was then an unusual concept outside of Japan. It took Havemeyer's eye to realize what such prints represented, and how much beauty, inspiration, and technical ability went into their production. Once the Western public was alerted, Japanese prints attracted a wide spectrum of viewers, which is true to this day. The great artists like Hiroshige, Hokusai, and Utamaro were studied, and their extraordinary flair was deeply admired. "The Great Wave at Kanagawa" is a color woodprint done by Katsushika Hokusai (1760-1849) in 1831, during the Edo period. The Japanese artist understood waves. Japan, with its dangerous volcanic terrain, knows not only earthquakes but the accompanying turbulence at sea – tidal waves.

"The Portrait of a Young Man" by Agnolo Bronzino, purchased by Harry Havemeyer, is another familiar picture, and it illustrates how diverse the great collection is. The portrait, brilliant and compelling as it is, also repels many viewers because of its apparently cold, aloof, arrogant subject, a privileged sitter in the late Renaissance world of Florence.

Bronzino does not identify his subject; sometimes it has been suggested that the work was actually a self-portrait. The artist was a literary man who wrote Petrarchan sonnets in addition to producing pictures that seem nearly flawless. The literary arts flourished in Bronzino's time, when the city had gone back to Medici control, and the artistic giants had left it. Yet this artist's work was so wonderful in composition, technique, color, and strength that we never forget his pictures.

Louisine Havemeyer's great

acquisitions include many of Degas's dancers. These were bold purchases for a young society matron to make at a time when ballet dancers were considered disreputable and were scorned by a censorious public.

She particularly admired Gustave Courbet (1819-77), acquiring over 40 of his paintings, including the one shown here, a woman in a riding habit. Courbet was a Realist painter with a wide range of subjects, from nature – woods and creatures of the chase – to the working people of his own region. He felt such a rapport with these people that he became a communist and a member of the Paris Commune.

Courbet came from a prosperous, cultivated family of winegrowers in southeastern France, near the Swiss border. Using many technical innovations, he often succeeded in making his pictures seem tactile; they are always vivid and bold, like the painter himself. Courbet's woodland scenes are beautiful and romantic, though also naturalistic, and his seascapes are dramatic and visually compelling. He often painted the eroded limestone cliffs along the Normandy coast, with the rough waves of the English channel behind them, pictures where there is a strong contrast of light and shade. His nudes were so realistic that they shocked much of the public, but time has changed that reaction.

"Woman in a Riding Habit" shows a fashionably dressed lady, stiffly erect, enigmatic. Her black habit, a flat surface, contrasts with her pale face and hands. Though conventionally constrained, the woman has a hint of enigmatic character and is possibly an individual of strong impulses. Neither the artist nor the subject gives away any of her secrets, but the viewers' curiosity is aroused, and we wonder what she would be like when giving her horse its head and letting it gallop over rough terrain.

Going through the Havemeyer exhibit halls, realizing that El Greco's "View of Toledo," the famous Goya balcony scene, the Frans Hals and the many loved Dutch landscapes all came to the museum through Harry and Louisine Havemeyer, we feel grateful to these two people for their perspicacity and generosity. These treasures seem to have an added glow when we discover where and how they were found and the adventures that brought them to the Metropolitan.

Enid Saunders Candlin

■ *'Splendid Legacy: The Havemeyer Collection' will be on display at the Metropolitan until June 20.*

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'PORTRAIT OF A YOUNG MAN' (c. 1540): *Oil on wood, 37 5/8 by 21 3/4 in., by Agnolo Bronzino.*

'WOMAN IN A RIDING HABIT': *Oil on canvas, 45 1/2 by 35 1/8 in., by Gustave Courbet.*

Life-Changing Books

THE winter I was a sophomore in college, I worked in a department store during the Christmas holidays. There wasn't much time for lunch and I usually ate in the employees' cafeteria. After the first week, an older woman asked if she could sit at my table. She said she needed to talk to someone and began telling me about some of the difficulties she was facing at that time. Her marriage was in turmoil, she was ill and very concerned about her children.

Normally this kind of conversation would have made me uncomfortable, as I wouldn't know what to do or how to respond. But during that year my life had undergone some significant changes as I had discovered that God is, as the Bible teaches in Psalms, "a very present help in trouble."

God no longer seemed to be simply a religious concept or theory, or something to talk *about*. God had become a life-transforming and life-enriching presence in my life. I had always gone to Sunday School, but I was surprised now to find that the Bible was speaking to me in a whole new way. It wasn't just literature or history. It was relevant. More than that, its words practically burst off the page with the ideas and direction I needed so much.

The Christian Science Monitor's Religious Article

I was also reading another book, *Science and Health with Key to the Scriptures* by Mary Baker Eddy, the Discoverer and Founder of Christian Science. This was opening up the Bible to me. It's hard to explain the difference between talking about God and actually experiencing His love in your daily life. But these two books brought about this change, and I read them hungrily each day. Like my lunchtime companion, I had been in need of answers. I found it hard to believe that I needed *spiritual* answers: an understanding of God, some sense of what it means to be His child, an awareness of the significance of the life and work of Christ Jesus and of the spiritual laws he revealed. But that was the case.

The Bible teaches that God is Love. *Science and Health* helped me to understand the nature of divine Love and its impact on my own life. In Jeremiah, the prophet reports: "The Lord hath appeared of old unto me, saying, Yea, I have loved thee with an everlasting love." I had glimpsed the fact that God was all-knowing. Therefore God had to know me through and through, at all times, in every way. Yet all that He found and knew brought forth His everlasting love.

This gave me pause. As I quietly thought about this, it became clear that the "me" that God knows is different from how I was thinking of myself. (For there were many elements of myself that I knew God could not love.) So I found myself wanting to know the real "me," the "me" God knows and loves. I pored over *Science and Health* and the Bible daily. And step by step—continuing still today—the unlovable elements claiming to be part of me or my character have been falling away.

In *Science and Health* Mrs. Eddy writes, "The great truth in the Science of being, that the real man was, is, and ever shall be perfect, is incontrovertible; for if man is the image, reflection, of God, he is neither inverted nor subverted, but upright and God-like." Our health, our character, our life, cannot be subverted. Jesus' healing of disease and sin gives ample proof of this. *Science and Health* brings to light that he was not simply a miracle worker, but the revelator of the eternal laws of God sustaining and maintaining man's perfection and goodness.

So in my heart, I knew why this woman had sat at my table and poured out her story. She was searching for the very help that I had found. And there was only one thing to do. She already owned a Bible, so I gave her my copy of *Science and Health.*

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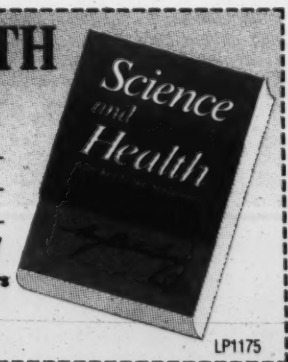

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"First the blade, then the ear, then the full grain in the ear."

Lessons From Guinier

PRESIDENT Clinton, in the long run, may be the principal loser in the Lani Guinier debacle. The black vote in the 1992 election was a major factor in Mr. Clinton's victory, and members of the Congressional Black Caucus and others have made clear their displeasure with the way Ms. Guinier's canceled nomination as head of the Justice Department's Civil Rights Division was handled.

This said, abandonment of the president, as the Black Caucus threatens, is not a viable option either. His budget package stands to benefit all Americans, including those the Caucus represents.

Guinier has been treated shabbily, we presume unintentionally so, by the Clinton White House. Reams of print and broadcast speculation have been expended on how and why this embarrassing, unnecessary blunder was allowed to take place.

It seems clear that if the president had not withdrawn Guinier's nomination, and if hearings on her nomination had been held, Republicans on the Judiciary Committee and a significant number of Democrats would have formed a solid block against her. But it would have been very instructive for the White House, Congress, and the nation at large to hear her explain her legal and political views.

Guinier's point that most of her publications on the American political process were made in the academic milieu is valid. Anyone who participates in academic affairs knows that viewpoints strongly defended by a person in such forums are likely to be revised and tempered under other circumstances. Whatever her political philosophy, Guinier will doubtless continue to make her mark as an academic and an attorney.

EDITORIALS

Her nomination seems to have fallen to White House bungling. Presidents stumble occasionally just like the rest of us. But most manage to avoid making it a trademark. Seat-of-the-pants operations can work in political campaigns because campaigns are to a great degree "show business."

Not so after the election. The former candidate is now the ship of state's captain. There have been too many incidents similar to that involving Guinier. Spotting and avoiding them, we hope, will now be a major chore for former aide to Republican presidents David Gergen, who has joined the Clinton team. We can all hope that Gergen's experience and unflappability will come in handy over the next three-and-a-half years.

A Texas-Sized Signal

TEXAS voters have sent two messages to President Clinton: that they wouldn't give a six-week-old pot of chili for his budget plan and its energy-tax proposal; and, less directly, that he needs to build stronger bridges to centrist Democrats and Republicans in Congress if he hopes to advance his agenda.

As expected, Republican Kay Bailey Hutchison easily beat interim Sen. Bob Krueger (D) in Saturday's runoff election to fill the United States Senate seat left vacant when the president picked Sen. Lloyd Bentsen to be Treasury secretary. The margin was 68 percent for Senator-elect Hutchison and 32 percent for Senator Krueger.

For Texas, which narrowly backed President Bush last November, the election marks the first time since 1875 that the state has sent two GOP senators to Washington.

For Congress, the election not only adds another female senator, but a second female Republican senator.

And for Mr. Clinton? Potential political trouble now and in 1994. During the campaign, both Krueger and Hutchison said they opposed the Clinton energy tax.

But Hutchison, widely acknowledged as the better campaigner, focused on the overall thrust of the budget package, calling it too heavy in tax increases and too light in spending cuts. Meanwhile, throughout the campaign top Democrats in the state seemed to focus less on defending the president's budget and more on what they called the importance of having at least one Democratic senator, who presumably would have the president's ear, in Washington.

For Clinton, the party lineup in the Senate has shifted from 57 Democrats, 43 Republicans to 56 Democrats, 44 Republicans. This makes the threat of a Republican filibuster, which would require 60 votes to shut off, more potent unless the president does a better job of courting moderates in both parties.

Already, GOP strategists are looking to the midterm elections, when the party out of the White House traditionally gains seats in Congress. In 1994, 22 Democratic senators are up for reelection, versus 12 Republicans. At the moment, several Democratic seats are seen as vulnerable, including those in West Virginia, Tennessee, Arizona, Michigan, and New Jersey. Some analysts see the GOP picking up three seats in '94, a respectable gain.

Much depends on the challengers in these races. But much also will hang on how quickly the learning president learns how to succeed in Washington.

World Must Not Let Rhetoric Replace Freedom in China

Beijing is making a sales pitch, but not enough progress

By Allison Liu Jernow

WHEN I was in Beijing six weeks ago, identical red posters covered every available foot of wall space and were pasted to the rear windows of all the taxi cabs. In English and Chinese they read, "An Open China Awaits the Olympics." But just how open is China now? Ask Qin Yongmin, a man from Wuhan who was arrested this spring for the "crime" of writing letters to the government and foreign newspapers opposing Beijing's Olympics bid.

With the Clinton administration's renewal of most-favored-nation (MFN) status, China has access to its largest export market guaranteed for another year. China is also a serious contender for the site of 2000 summer Games. Four years after the Army invaded Tiananmen Square and massacred unarmed civilians, the country seems to have shed its pariah image. Unfortunately, the distance between appearance and reality is still wide.

Despite pretended indifference to criticism on human rights, the regime is acutely sensitive to world opinion, particularly when it imperils economic advances.

The success of Beijing's latest sales pitch depends on projecting a sanitized image to the International Olympic Committee and the rest if the world. But the red banners proclaiming openness that blanket the capital have little to do with the truth. I asked every cab driver I met whether he wanted to hang the Olympic slogan in his car. The uniform response: "Of course not. I had no choice."

On May 26, after more than 12 years in jail, mostly in solitary confinement, activist and editor Xu Wenli was released by Chinese authorities. A leader in the Democracy Wall movement of the late 1970s, Mr. Xu had founded an influential underground journal called "April 5th Forum." He was arrested in April 1981 and sentenced to 15 years in prison on charges of being a counterrevolutionary. His parole on the eve of President Clinton's decision on MFN may well have tipped the balance in China's favor. Meanwhile, Xu's friend and colleague, Wei Jingsheng, remains imprisoned on the Nanpu New Life Salt Farm, a labor camp outside the city of Tangshan. Mr. Wei, too, was a Democracy Wall editor sentenced to 15 years for "counterrevolutionary propaganda and incitement." A Ministry of Justice official recently reported that Wei was unrepentant and there was no chance of his early release.

By Beijing's accounting, more than 3,000 counterrevolutionaries are in prison. At least two dozen are journalists detained for peaceful expressions of their views, a higher number than any other country in the world.

Historically, freedom of speech has been one of the best indicators of the pace of liberalization in China. The cycle began in the 1957 Hundred Flowers campaign, when Chairman Mao Zedong first invited people to criticize and then promptly locked up those who did. In the reform-minded late 1980s, semi-independent publications, like the "World Economic Herald," "New Observer," and "Economics Weekly" flourished. These three, and many others, were closed in the post-June 4 Tiananmen crackdown. Their writers and editors, many in jail or exile, remain silenced. I visited one woman whose newspaper had been banned and who had spent a year in prison. When I left I saw the two men who stood watch over her apartment. A well-known and respected journalist, she is prevented from publishing within China.

Most recently, the long arm of Beijing stretched all the way to the United Nations. When the Chinese Mission learned that student dissident Shen Tong had been invited to speak by the UN Correspondents Association, it lodged a vehement protest. Bowing to pressure, Secretary-General Boutros Boutros-Ghali denied Mr. Shen entry to the Secretariat, and the dissident eventually gave his talk to a crowd of journalists outside. It was a vivid replay of last September's incident in Beijing when Chinese authorities arrested Shen and expelled his foreign colleagues in order to prevent them from holding a press conference.

Although the political atmosphere has improved greatly since the dark months following the June 1989 crackdown, a propaganda campaign launched this spring targets what the government terms "chaotic" media development. Through new regulations, harsh criticism, and forced closure, authorities are strengthening their control over writers of unauthorized biographies and popular entertainment weeklies and the owners of private newsstands and bookstores.

Despite pretended indifference to criticism on human rights, the regime is acutely sensitive to world opinion, particularly when it imperils economic advances. Tough rhetoric from Mr. Clinton during the campaign and more recently by Assistant Secretary of State for East Asia Winston Lord no doubt prompted Beijing's latest paroles. Rather than accept China's statements at face value, the international community must continue to measure the distance between what the government would have us believe and what we discover to be the truth. It is important, too, that those in China know that the rest of the world can tell the difference.

If pressure on human rights issues eases, China is unlikely to reform on its own. Typically, the government has dealt with internal critics by either ignoring or imprisoning them. This is where outspoken allies abroad can help. One private businessman I spoke to said simply, "The leaders are on top, the people on the bottom. We have to listen to whatever they say, but they never hear what we say."

■ *Allison Liu Jernow is the Asia associate at the Committee to Protect Journalists, a nonpartisan organization that monitors press conditions.*

OPINION/ESSAYS

Proposed changes in US patent laws would sacrifice inventiveness and innovation on the altar of international competitiveness

Keep 'First to File' Patent Rule Pending

By Skip Kaltenheuser

FEW Americans lose sleep worrying about the United States patent system. But among those who work closely with patents, there is a quiet riot over proposals to change the basis of intellectual property rights from the first inventor to the first to file on a patent for an invention, whether or not the first to file is the inventor. Those in control of the intellectual property rights for inventions control the industries the inventions launch. People who control important patents also bring wealth to their countries via licensing fees.

Backing "first to file" is the National Association of Manufacturers; the Intellectual Property Organization, or IPO, which represents large corporate patent holders; and an association of patent attorneys. Considerable pressure for this change also is coming from Europe and Japan, which connect patent harmonization issues to trade agreements such as GATT. They seek a greater share of the US market, the world's largest, by reducing the obstacles of competing US patents.

The first-to-invent camp is led by loosely organized independent inventors, university researchers engaged in technology transfer, and a minority of patent attorneys and scholars. They were encouraged that first-to-file momentum may have stalled on Feb. 9, in Boston, when the American Bar Association House of Delegates voted to reaffirm its opposition to first-to-file.

However, inventors remain concerned that well-heeled opponents will tip the scale their way in a Congress beholden to large campaign contributions. They also are alarmed by an IPO memo in December that encouraged members to influence Commerce Secretary Ron Brown by contacting partners of Mr. Brown's former law firm. The goal was to place first-to-file advocate Robert Armitage in the job of US Commissioner of Patents.

Fast track for first-to-file

Indeed, the first-to-file track appeared well-greased last year. The Bush administration established an Advisory Commission on Patent Law Reform. Edward MacCordy, a commission member representing university researchers, resigned in disgust after he found the affair so "obviously orchestrated" he wasn't allowed to publish even a one-page dissent in the commission report.

When a bill to adopt the first-to-file system was proposed last August by Sen. Dennis DeConcini (D) of Arizona and Rep. William J. Hughes (D) of New Jersey, the hearings were held after three weeks, speed rarely seen, and were limited to invitees. Oddly, the commission and the hearings lacked people who actually invent things.

Speaking for NAM and UpJohn, patent attorney Mr. Armitage testified that first-to-file harmonization would greatly simplify US law and would affect only a small number of second-to-file inventors who might otherwise eventually prevail, after a costly legal contest, as the first to invent.

Harmonization, the argument goes, would make it easier for US companies seeking foreign markets to acquire foreign patents.

Since large corporations already operate internationally in a first-to-file world, what's the rush on the important domestic front? Mr. MacCordy, the former president of University Technology Managers, says US companies pushing first-to-file really seek "prior user" rights that negate the exclusive licensing rights now granted with a patent.

Under prior-use proposals from Armitage and others, companies that claim prior use of an idea before the patent was filed, or that made "substantial preparations for use," could continue use, manufacture, and sell the product without paying the patent-holder.

Barrier to small investors

As former US Patent Commissioner Don Banner has put it, "How many small investors can lay everything on the line if a giant like GE could come forward later and say it already had the invention?" As it is, only 2 percent of all patents are successful enough to repay even the legal costs over the 17-year life of a patent.

Besides providing incentives to create, the patent system is designed to promote and share knowledge. Yet this benefit could be lost if a company could claim prior-use rights and then call the invention a trade secret.

When he hears first-to-file being promoted, Mr. Banner, a patent attorney in Washington, cocks his jaw like he's loading a gun. "Since the Constitution, the US system of rewarding the actual inventor with intellectual property rights has been the wellspring that sustained our country's economic growth.

"How much of a net job increase are large corporations generating? Zip. Their jobs are dropping like flies. It's entrepreneurs and the growth of small businesses that increase jobs in this country. More often than not, it's independent inventors that plant the seeds for new industries."

James Chandler, director of the Computer Law Program at George Washington Law Center, notes that first-to-invent was contemplated by our Constitution. Hence, "any system preserving the rights of someone who isn't the first to invent is of dubious constitutionality. This could take years to resolve. Patents granted in the interim could go up in smoke.

"The secret of success for any property system is the certainty of the means of acquisition and the security of possession. To interject uncertainty and insecurity at this time, during such keen competition, would be disastrous."

Mr. Chandler says he believes there is ample room for improvement in both the US and world systems, but that nothing is worth trading away the core concept of first-to-invent.

Dr. Irving Kayton, a professor emeritus of intellectual property at George Mason University's School of Law, says that American corporations who think their size and marketing apparatus will keep them out front in a worldwide first-to-file system will "rue the day the system switches. The Japanese, with 25,000 to 50,000 patent filers and computerized systems for the instant transmission of applications, are already set up to win any first-to-file competition. Why do you suppose multinationals and foreign countries want to end our first-to-invent system, he asks, to preserve our intellectual property rights and help us compete?"

License to co-opt?

US inventors fear first-to-file will bring forth the entrenched corporate culture, technology ripoffs, and lack of legal recourse for small operations for which Japan is known.

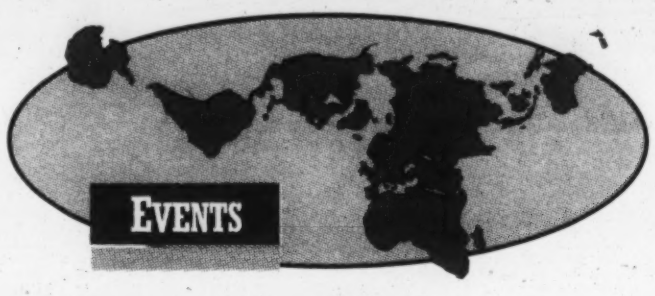
Mitsubishi, for example, is famed for keeping out competition by patent flooding with what Don Spero, the founder of Fusion Systems, calls "sashimi" patents – thinly-sliced variations that surround someone elses proprietary technology, thwarting the inventor's ability to develop his product. Large companies control the Japanese market by cross-licensing each other.

Jerry Lemelson, whose 500 patents include inventions central to modern assembly lines, says, "Our creative process includes sharing information and the chance to fully develop our inventions before we file.

"Imagine the effect on small inventors if suddenly ideas can be stolen and slipped to companies with the research facilities and legal resources to rush multiple filings on a wide range of applications. Consider the impact on university labs which, due to their open, academic nature, are far more exposed than corporate labs. If you think we're paranoid now, try us under first-to-file."

Because today's patents make tomorrow's jobs, the debate over patent policy is one Americans should wake up for.

■ *Skip Kaltenheuser is a Washington-based writer and lawyer.*



BOSNIAN AIRLIFT RESUMED

The United Nations humanitarian airlift, suspended for four days, resumed yesterday and Bosnian defense lines around the Muslim enclave of Gorazde were reported under Serb attack. The UN High Commissioner for Refugees halted relief flights Wednesday after snipers wounded four French soldiers at Sarajevo airport, a United States relief plane was hit by a bullet, and a plane evacuating wounded French was fired at. An appeal went out to the UN commander in Bosnia, Gen. Philippe Morillon, to send a convoy with humanitarian aid and medicine to Gorazde. But Serb commanders continued to block access to the embattled enclave.

Freighter aground

More than 100 Chinese apparently tried to swim ashore after their freighter ran aground off the New York City coast yesterday. Two people died and more than a dozen others were seriously injured. It was not known if the passengers were illegal immigrants. Some of the at least 100 people still on board were ignoring Coast Guard orders not to jump into the water.

Sihanouk attempt

The head of the Cambodian party that won UN-run elections demanded Saturday that Prime Minister Hun Sen be barred from any powersharing pact, charging that government forces killed party workers. As post-election bargaining intensified, about 400 people gathered outside the royal palace pleading for Prince Norodom Sihanouk to take charge in a bid to avert violence. Mr. Sihanouk said Saturday that he was ready to try again to form an interim government.

Somalia fighting

Fierce fighting between UN peacekeepers and Somali gunmen killed at least 22 Pakistani soldiers and 23 Somalis yesterday. Twelve Pakistanis were still missing from Saturday's gun battles, an Army spokesman said. The Pakistan Foreign Ministry earlier said 28 soldiers were killed and 50 wounded. The UN Security Council scheduled emergency consultations yesterday.

Mongolian election

Mongolians voted yesterday in their first multiparty presidential elections ever, choosing between a conservative newspaper editor and an incumbent who was dumped by the ruling former communists. The opposition has accused the ruling party of trying to reinstate a planned economy ever since it won legislative elections that were held last summer.

Swiss plan

A constitutional ban on warplane purchases through the year 2000 went before Swiss voters yesterday in a referendum sponsored by groups who say that nation does not need 34 new F/A-18 Hornet jet fighters. If passed, the referendum would scrap the government's $2.4 billion order for the United States-made planes. Supporters of the ban forced the nationwide vote by collecting a record 504,000 signatures last year. To become law, each proposal most gain approval by a majority of voters and more than half of Switzerland's 23 states.

Conway Twitty

The country music star died Saturday after a career of more than 30 years. Mr. Twitty had performed Friday night in Branson, Mo. After many years as a songwriter, he recorded more than 40 No. 1 hits, including "Hello Darlin'," "Tight-Fittin' Jeans" and "Linda On My Mind." He and Loretta Lynn won the Country Music Association's Vocal Duo of the Year award in 1972, 1973, 1974, and 1975. They also won a Grammy for their 1971 duet "After The Fire Is Gone."

French Open

Steffi Graf overcame stiff resistance from American Mary Joe Fernandez to win a gripping women's final Saturday at the French Open. Graf, favored to win the title, won in three sets. She had not won in Paris since taking her second title in 1988.

NBA finals

The Chicago Bulls will face the Phoenix Suns in Phoenix in the National Basketball Association Finals Wednesday, following their respective wins over the New York Knicks and the Seattle SuperSonics on Friday and Saturday. Chicago won its deciding game 96-88, and Phoenix beat Seattle 123-110.

– Compiled by Shelby Siems

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DANZIGER
The Christian Science Monitor

Class of '93 Faces Tough Job Market

GRADUATES from page 1

director of the Career Placement Center at Emory University in Atlanta.

In 1990, about 20 percent of college graduates were unemployed or working in jobs that did not require a degree, says Daniel Hecker, an economist at the Bureau of Labor Statistics. Graduates of 1993 are expected to face a similar situation. Moreover his colleague, Kristina Shelley, projects that over the next decade, the number of college grads entering jobs not requiring a degree will rise to 30 percent.

"There are fewer opportunities," says Tom Cath, director of career planning at DePauw University in Greencastle, Ind. "But they are out there for those who are creative and resourceful, have thick skins, and are persistent."

'The on-campus recruiting that was almost like a vacuum cleaner five years ago – scooping people up – is not going to happen again.'

– Richard Fein, University of Massachusetts, Amherst

In a survey released last week, the Collegiate Employment Research Institute at Michigan State University (MSU) reported that employers expect to hire 2.9 percent more graduates this year than last. The survey also said that 15.4 percent of positions available for 1992-93 remain to be filled.

"The market has decreased about 35 percent over the last four years," says L. Patrick Scheetz, the institute's director. "So a recovery of 2.9 percent against a loss of 35 percent is some positive change, but there is still a long way to go."

The MSU survey, which polls more than 500 employers, pointed to a surprising fact: There are whole categories of jobs that do not interest many graduates. "Jobs still go begging in sales," Mr. Scheetz says. For many organizations, the entry-level job is in sales. Once employees demonstrate competence, they can move on to other positions.

The tough economy is forcing both colleges and students to rethink their strategies. On-campus recruiting is not bringing the same results as it used to. "The on-campus recruiting that was almost like a vacuum cleaner five years ago – scooping people up – is not going to happen again," says Fein, who is also the author of "First Job: A New Grad's Guide to Launching Your Business Career."

"Big, old firms have very traditional recruiting methods," says Maureen McNulty, director of the Career Management Center at Stanford Business School. "But every year we lose some of them to the economy."

Many colleges are reaching out to small and mid-size firms that have not traditionally recruited on campus. "Companies with less than 200 people are where most of the growth is in the economy today," Mr. Shakoor says. Students "cannot sit back and wait for something to happen through the vehicle of on-campus recruitment."

Counselors are advising grads to be open to new routes to finding full-time employment, including:

Volunteer or part-time work. This lowers the risk for firms, increasing the likelihood of a trial employment period.

Internships and cooperative education. Employers put a premium on real experience. "They are looking more and more for career-related work experiences all the way from freshman to senior year," Scheetz says.

More networking. Graduates are encouraged to pursue any corporate contact they have ever had as a potential lead.

Heading off campus for interviews. Mr. Fairfield says two friends at Yale ditched the regular recruiting channels. They went to a job fair in New York at which both got offers. "If they were both on campus competing against other students here, they probably would not have gotten those jobs," he says.

One thing is certain: Companies that are hiring have increased the stakes. Employers are raising the floor for minimum acceptable grade point averages, for example, from 3.0 to 3.5 on a four-point scale. Getting a job today takes a lot of creativity, Fein says. "You have to find what it is about you and your experiences that appeal to a firm, and you are not going to find that in a book."